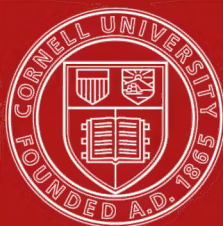


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Indian appropriation bill.



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o/n

INDIAN APPROPRIATION BILL

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON INDIAN AFFAIRS

OF THE

HOUSE OF REPRESENTATIVES

U.S. Congress

CONSISTING OF

HON. HOMER P. SNYDER, *Chairman*

HON. JOHN A. ELSTON

HON. CHARLES D. CARTER

HON. MARION E. RHODES

HON. CARL HAYDEN

DECEMBER 8, 9, 10, 11, 12, 13, 15, 19, 1919

PRESENTED TO
HARTWICK COLLEGE
ONEONTA, N. Y.



BY

J. P. KINNEY

WASHINGTON
GOVERNMENT PRINTING OFFICE
1920

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COMMITTEE ON INDIAN AFFAIRS.

HOUSE OF REPRESENTATIVES.

SIXTY-SIXTH CONGRESS.

HOMER P. SNYDER, New York, *Chairman*.

PHILIP P. CAMPBELL, Kansas.

ROYAL C. JOHNSON, South Dakota.

JOHN A. ELSTON, California.

FREDERICK W. DALLINGER, Massachusetts.

BENIGNO C. HERNANDEZ, New Mexico.

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RICHARD F. MCKINIRY, New York.

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INDIAN APPROPRIATION BILL.

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INDIAN AFFAIRS,
Monday, December 8, 1919.

The committee this day met, Hon. Homer P. Snyder (chairman) presiding.

The CHAIRMAN. Now, gentlemen, we will come to order, and the clerk will read the resolution under which we are to proceed to investigate the Indian appropriation bill.

Whereupon, the clerk read as follows:

It was moved and carried that the Chair appoint a committee of five, with the remaining members of the committee privileged to sit with this subcommittee from time to time during its deliberations.

The Chair named the following as the subcommittee: Messrs. Snyder, Elston, Rhodes, Carter, and Hayden.

The CHAIRMAN. Now, the Chair will state that it is his understanding of the meaning of that resolution that we can proceed with the investigation with a majority of the subcommittee present and that those members of the committee who sit with us from time to time have the privilege of asking questions or making any investigation or examination of witnesses they see fit, but on a vote in the preparation of the bill the vote will be by the subcommittee in making its recommendations to the full committee.

I would like to know if that is the understanding of the other members of the committee present?

Mr. RHODES. That was mine.

The CHAIRMAN. Do you so understand, Mr. Hayden?

Mr. HAYDEN. Yes, sir.

The CHAIRMAN. Do you, Mr. Hastings?

Mr. HASTINGS. Well, that wasn't exactly my understanding. I understood that five members were to compose the subcommittee, but I understood that the other members being present took part in the deliberations of the committee the same as the members appointed members of the subcommittee. That is the way we did last year and the year before. However, I have no objections to that course.

The CHAIRMAN. That would be all right, provided we intended to hand the bill back to the full committee to determine the action of the subcommittee. Now, if it is our understanding that we are to finish the bill and not go over it again as a general committee, why, then, your understanding, it seems to me, would be all right. But it seems to me that we ought to proceed as I suggested at first and then have the whole committee go over the bill and make such corrections or alterations as it desired to make on the work of the subcommittee.

Mr. HASTINGS. Well, on last year and year before, on the same resolution, any member present was always given the privilege of being a member of the committee and had the same privileges as any other member. They had not only the right to interrogate the witnesses, but also had the right to vote on the deliberations of the subcommittee, just the same as any of the members of the subcommittee. However, I am not objecting to it.

Mr. HAYDEN. The recommendations of the subcommittee, Mr. Chairman, go to the full committee for review and final vote and approval.

The CHAIRMAN. That always has been the rule, but last year when we were discussing this bill we simply took the bill as it was with the understanding that there was to be no alterations, or changes whatever; they simply took the matter as it was. Now, I assume there will be a good many changes made in this bill, and it seems to me that the subcommittee should have the assistance of all of the members of the committee in perfecting the bill, and that the subcommittee ought to make its report to the full committee, and if it desires to make any alterations, why, that is up to it.

I think that we probably will not be burdened with very many additional members of the committee while the subcommittee is in action, and it would seem to me that since there are to be, perhaps, some changes made in the bill they ought to be confined to the subcommittee in the first instance.

Mr. HASTINGS. Of course, last year the subcommittee reported to the full committee, just as this subcommittee contemplates doing; but, as the chairman states, there were not many changes made by the full committee, because so many members of the committee felt free to be present and take part in the discussions from time to time.

The CHAIRMAN. Well, that is my understanding now, that the general committee are invited to be here at all times and take part in the discussions, but when it comes to voting on the provisions of the bill, it seem to me, that ought to be confined in this instance to the vote of the members of the subcommittee.

Mr. ELSTON. That is the logical thing. That is the way it appears to me.

Mr. HAYDEN. That is the way it appears to me, because whatever the subcommittee does is subject to review by the members of the full committee.

The CHAIRMAN. I only thought it was best to have it understood before we began. I want the subcommittee members to feel it is their duty to be here and help write this bill, and I felt that if we left it so that any members of the committee come in and sit in the committee and take part in the deliberations and vote that some of the members of the subcommittee might not feel it was necessary for them to be here, and we would not accomplish satisfactory work and we would not have the benefit of their experience. So that, if we confine the vote on these matters to the five members of the subcommittee, we will always have a quorum of the subcommittee present, or we will not do business. And my judgment, with all due respect to Mr. Hastings's statement, is that we had better proceed and allow the five members of the subcommittee to vote on the bill, if there is any vote, and then present the bill to the general committee for its consideration.

Mr. HAYDEN. Our usual experience has been that the subcommittee unanimously agrees on what is to go to the whole committee. The result has been that if there was anything on which we could not agree we have waited and voted on it in the committee.

Mr. ELSTON. Of course, as a matter of fact, this whole question, the matter passed on by the subcommittee, is going to be submitted to the full committee. The subcommittee is within its rights and will not divest itself of any additional power, of course.

The CHAIRMAN. I will say that my understanding of the matter is just as I have before stated—that the subcommittee could carry on investigations with the assistance of the members of the committee as they come in from time to time.

Mr. HASTINGS. I will state that, so far as I am concerned, it does not make any difference; but I wouldn't be frank to the chairman and I wouldn't be frank to the other members of the committee unless I stated what my understanding of the resolution was. I assumed that this resolution was, and believed that it was, the same as the resolution of last year and the year before, and I assumed, of course, that the same construction would be placed upon it. Now, last year and the year before we appointed a subcommittee of five and we required the subcommittee of five to be present. Now, the personnel of that committee changed from day to day and from time to time, but five were always required to be present; and while the original members appointed were the members of the subcommittee, any other member of the committee who was present was privileged not only to examine the witness and to cross examine the witness, but to make any remarks and state his views about any particular matter that came up, and was also permitted to vote.

The CHAIRMAN. Well, we didn't come to a vote on any proposition, as I recall, but we are going in this case to come to a vote on some of the propositions. That is why I wanted this matter understood before we began.

Mr. HASTINGS. We always harmonized our views, or judgment—not by a formal vote, but did agree.

Mr. RHODES. Now, in order to define the issue in such a way as to be able to understand the proposition, let me express my views on the matter—and in stating my understanding, of course, I am not guided by what was done before, because I don't know what has gone on before. I understand the object of that resolution to be to authorize the subcommittee to prepare the bill and report the result of its findings to the full committee, and that the resolution authorized any members of the committee to sit in these deliberations with the subcommittee, but the subcommittee alone has the right to determine what the make-up of the bill should be.

The CHAIRMAN. You have got my understanding exactly.

Mr. ELSTON. My idea is this: The only logical way to proceed is to proceed in that way, in the way the resolution states. That is in line with the procedure of the other committees, particularly the big appropriation committees, where each subcommittee has particular subject matters and is fully responsible for them and brings in a bill that is reviewed and approved by the full committee. I believe that Mr. Hastings is offering no objection, but is giving his idea. I believe that the best idea is to proceed upon the theory we have

full authority, and that the other members coming in come in in an advisory way and I move that that be the construction.

(The motion was duly seconded. The motion was put and agreed to.)

The CHAIRMAN. The clerk will now proceed with the reading of the bill, reading the first section first.

(The clerk read as follows:)

A BILL Making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and in full compensation for all offices and salaries which are provided for herein for the service of the fiscal year ending June 30, 1921, namely:

SURVEYING AND ALLOTING INDIAN RESERVATIONS.

For the survey, resurvey, classification, and allotment of lands in severalty under the provisions of the act of February 8, 1887 (Twenty-fourth Statutes at Large, page 388), entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey or allotment of Indian lands, \$10,000, to be repaid proportionally out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purposes: *Provided*, That no part of said sum shall be used for the survey, resurvey, classification, or allotment of any land in severalty on the public domain to any Indian, whether of the Navajo or other tribes, within the State of New Mexico and the State of Arizona, who was not residing upon the public domain prior to June 30, 1914: *Provided further*, That any and all provisions contained in any act heretofore passed for the survey, resurvey, classification, and allotment of lands in severalty under the provisions of the act of February 8, 1887, supra, which provide for the repayment of funds appropriated proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purposes, are hereby repealed: *Provided further*, That the repeal hereby authorized shall not affect any funds authorized to be reimbursed by any special act of Congress wherein a particular or special fund is mentioned from which reimbursement shall be made.

The CHAIRMAN. Mr. Meritt, will you give the justification?

STATEMENT BY MR. EDGAR B. MERITT, ASSISTANT COMMISSIONER OF INDIAN AFFAIRS.

Mr. MERITT. Mr. Chairman, before placing in the record justification for this item, I would like the privilege of placing in the record a statement showing our estimates, as compared with the appropriation bill of last year. This statement shows the estimates by treaty items, gratuities, reimbursables, and tribal funds.

The CHAIRMAN. Let's see. [After examining paper.] Well, that is very nearly the way we make it with our own investigation of the matter. It is so near that I guess it will be agreeable to the committee to have that printed. That has reference to the present act and an estimate of the proposed act.

(The statement referred to above is printed in the record in full, as follows:)

Comparison—Indian appropriation act, 1920, and estimates, 1921.

1920 ACT.		1921 ESTIMATES.	
Treaty	\$834, 860. 00	Treaty	\$934, 860. 00
Gratuity	7, 583, 595. 95	Gratuity	8, 059, 285. 20
Reimbursable	2, 697, 941. 08	Reimbursable	4, 000, 349. 07
Total	11, 116, 397. 03	Total	12, 994, 494. 27
Tribal funds	4, 194, 711. 81	Tribal funds	3, 127, 269. 12
Grand total	15, 311, 108. 84	Grand total	16, 121, 763. 39
1921 estimates			\$16, 121, 763. 39
1920 act			15, 311, 108. 84
Actual increase		810, 654. 55	

	Amount.	Increase.	Decrease.
Treaty items:			
1921 estimates	\$934, 860. 00		
1920 act	834, 860. 00	\$100, 000. 00	
Gratuities:			
1921 estimates	8, 059, 285. 20		
1920 act	7, 583, 595. 95	475, 689. 25	
Reimbursables:			
1921 estimates	4, 000, 349. 07		
1920 act	2, 697, 941. 08	1, 302, 407. 99	
Tribal funds:			
1921 estimates	3, 127, 269. 12		
1920 act	4, 194, 711. 81		\$1, 067, 442. 69
Total		1, 878, 097. 24	1, 067, 442. 69
Actual increase			810, 654. 55
		1, 878, 097. 24	1, 878, 097. 24

Mr. MERITT. Mr. Chairman, I offer for the record the following justification of this item:

Surveying and allotting Indian Reservations (reimbursable).

Fiscal year ending June 30, 1920, amount appropriated	\$10, 000. 00
Fiscal year ended June 30, 1919:	
Unexpended balance from prior years	148, 181. 07
Amount appropriated	50, 000. 00
	198, 181. 07
Amount expended	71, 587. 06
Unexpended balance	128, 594. 01
Analysis of expenditures:	
Salaries, wages, etc	51, 677. 12
Traveling expenses	7, 020. 12
Transportation of supplies	87. 86
Stationery, printing, school-room supplies	131. 87
Subsistence supplies	8, 004. 44
Forage	1, 504. 76
Fuel, lubricants, power and light service	281. 27
Equipment and miscellaneous material	2, 512. 47
Rent of buildings	19. 35
Miscellaneous	347. 80
Total	71, 587. 06

At the close of the fiscal year ending June 30, 1919, there remained on hand an unexpended balance of approximately \$111,000. The act of June 30, 1919, Public No. 3, appropriated \$10,000, making a total of \$121,000 available for survey and allotment work. Of this sum it is estimated that approximately \$70,000 will be used during the current fiscal year of 1920, leaving an estimated

balance of approximately \$41,000. Allotment work is now in progress on the Umatilla Reservation, Oreg.; Gila River Reservation, Ariz.; Hoopa Valley Reservation, Calif.; and on the Blackfeet Reservation, in Montana. On the three first named reservations the work will probably be completed during the current fiscal year, but the work on the Blackfeet Reservation will probably be continued through the fiscal year 1921. In addition to the work above outlined, funds will be needed for surveys to be made by the General Land Office at our request on other reservations. The amount asked for added to the estimated balance of June 30, 1920, of \$41,000, will probably all be needed for survey and allotment work during the year 1921.

The first appropriation for surveying, classifying, and allotting lands in severalty under the act of February 8, 1887, containing a reimbursable provision, is found in section 9 of said act, and reads as follows:

"That for the purpose of making the surveys and resurveys mentioned in section 2 of this act there be, and hereby is, appropriated out of any moneys in the Treasury not otherwise appropriated, the sum of \$100,000, to be repaid proportionately out of the proceeds of the sales of such lands as may be acquired from the Indians under the provisions of this act."

Similar appropriations have been made from time to time with similar provisions for reimbursements. The Indians did not ask for these reimbursable appropriations, nor is it believed that they generally understood a charge would be created against their tribal or individual resources. Expenditures were also made from these appropriations in connection with the allotment of public lands for the benefit of the Indians residing on the public domain. In many cases the original allottees have died. In many other cases the lands have been sold to other parties. In such cases it would be impossible to obtain reimbursement. Under the circumstances it is believed that the proposed legislation should be enacted.

The amount involved which will be affected by the repeal item is approximately \$2,554,931.56. These figures are arrived at by taking the total expenditures up to and including June 30, 1918, amounting to \$2,404,931.56, and adding thereto the sum of \$150,000, representing the estimated expenditures for the fiscal years 1919 and 1920.

Allotments approved by the department during the fiscal year ended June 30, 1919, and made in the field.

States and tribes or reservations.	Approved by department.		Made in the field.	
	Number.	Acreage.	Number.	Acreage.
Total.....	782	125,615	428	65,992
Arizona.....	40	4,573	12	1,745
Colorado River.....	9	90		
Public domain.....	31	4,483	12	1,745
California: Public domain.....	21	1,605	3	360
Minnesota: White Earth.....	1	100		
Montana.....	383	65,206		
Crow.....	349	60,914		
Fort Peck.....	3	960		
Public domain.....	31	3,332		
Nevada: Public domain.....	5	651		
New Mexico: Public domain.....	222	35,456	76	11,702
North Dakota.....	3	360	2	480
Standing Rock.....			1	320
Public domain (Turtle Mountain).....	1	360	1	160
Oregon: Klamath.....	1	160	126	18,239
South Dakota.....	99	16,544	209	33,466
Cheyenne River.....			169	27,308
Crow Creek.....			40	6,158
Lower Brule.....	1	640		
Rosebud.....	98	15,904		
Utah: Public domain.....	2	320		
Washington: Colville.....	3	480		
Wisconsin: La Pointe (Bad River).....	2	160		
Total reservations.....	467	79,408	336	52,025
Total public domain.....	315	46,207	92	13,967

The CHAIRMAN. Can you state whether that is an item that is to run out entirely; that is, eventually, at the end of a year or two, there will be no further expenditures made for this purpose; is that correct?

Mr. MERITT. No, sir; there will be surveying and allotment work for quite a number of years in the Indian Service. We have surveyed and allotted practically all of the reservations in the North and Northwest, but there are a number of reservations in the Southwest on which no surveying and allotting work has been done. Therefore, it will be necessary to continue this appropriation for a number of years. We are asking for only a small appropriation this year because of the fact that we have an unexpended balance——

The CHAIRMAN. \$128,594.01.

Mr. MERITT. And the unexpended balance will amount to approximately \$41,000 at the close of this fiscal year, and added to the appropriation that we are asking, will give a little over \$51,000.

The CHAIRMAN. And you are satisfied, it is your judgment that no part of this money could be collected?

Mr. MERITT. Yes, sir.

The CHAIRMAN. And that is the reason for this new section in the bill, repealing the acts that created those amounts into reimbursables?

Mr. MERITT. Yes, sir.

The CHAIRMAN. And I think that the committee went into that very carefully and the only question as to that is whether or not there is need for this \$10,000 at all.

Mr. MERITT. We will need this appropriation in order to carry on the work that we are now doing. You will recall that the Indian bill last year carried a provision for the allotment work on the Black-foot Reservation and we have been doing considerable allotment work and there is more survey and allotment work to be done on many of these reservations.

Mr. ELSTON. You have a regular force to do this work, which you send from one part of the country to another, as the needs may be, or do you organize a force on the ground?

Mr. MERITT. We have a small force which we transfer from one reservation to another, as the necessity arises.

Mr. ELSTON. Then add to it as it becomes necessary?

Mr. MERITT. The force has been a decreasing force during the last few years, because we are not doing as much allotment work as formerly.

Mr. ELSTON. The small force you have in your employ you keep employed continually?

Mr. MERITT. Yes, sir.

Mr. ELSTON. Why do you think it necessary, Mr. Meritt, to repeal the reimbursable feature of the act of 1887? That does not constitute a lien on the land, does it?

Mr. MERITT. It does not, but it was brought out in the last investigation that this money had not been reimbursed and the probability was that it never would be reimbursed, because of the nature of the work, and in order to clear the books of these reimbursable items, it was thought best to have a proviso incorporated in the Indian bill repealing that reimbursable feature.

Mr. ELSTON. Now, I do not remember so much about that—I didn't have so much to do with the reimbursable items, but I wonder whether

Mr. Rhodes is of the opinion this repeal clause ought to go through, without any effort to get reimbursement.

Mr. RHODES. Where is that?

Mr. MERITT. Beginning with line 17, page 2.

Mr. ELSTON. While Mr. Rhodes is looking at that, Mr. Meritt, I would like to ask a question. Is the difficulty of getting reimbursement of this caused by the fact that no plan was formed originally for handling this and the matter of reimbursement has drifted along and the funds out of which the reimbursements were to be made has been allowed to go to private owners and by lapse and oversight to some extent, is that your idea?

The CHAIRMAN. Mr. Elston, I will say that in the hearings we covered this very fully.

Mr. ELSTON. Yes—

The CHAIRMAN. And it was conceded by all that there was no possibility of ever finding a way to collect any of this money, going way back to 1884, and which had been expended in small amounts in making these allotments, and there didn't seem to be any way, or any hope, that we could ever make any collections; and it is one of those reimbursable things carried on the books as an asset when it really was nothing; and it ought to be cleared up and gotten out of the way and then some new arrangement should be made whereby we can collect for the work that is done in the future.

Mr. HAYDEN. This further argument was made there, which I think made a very strong appeal to the committee, and that is that the United States surveys public lands without charge to the settlers, and it hardly looked fair to charge the Indian for service which the United States gives to the ordinary settler free of charge. At that time this extract was read into the record from the last sundry civil appropriation bill relating to surveys:

For surveys and resurveys of public lands under the supervision of the Commissioner of the General Land Office and the direction of the Secretary of the Interior, \$700,000: *Provided*, That in expending this appropriation preference shall be given first in favor of surveying townships occupied in whole or in part by actual settlers and lands granted by the States by the act approved February 22, 1889, the act approved July 30, and July 10, etc.

Such indemnity lands as the several States and Territories may be entitled to in lieu of lands granted to them for education and other purposes.

That entire sum of \$700,000 which is annually appropriated for surveys of public lands is in no sense reimbursable but is a service rendered by the General Government in order to procure settlers for the public lands. That being the case, it seems only fair that the Indian trying to acquire a home should receive the same advantage as a homesteader, that the land should be surveyed for him without charge and that a mistake was made in the beginning in making this appropriation reimbursable, because it is practically impossible to distribute the cost to every individual Indian who desired to acquire land, just as it would be to each homesteader who wanted to take up public land.

The CHAIRMAN. Is there anything further to be said on the section? Now, as I recall, in connection with the provisions of this act of February, 1887, the only thing I am interested in is just how far, or I should say about how much land, or what particular reservations were affected under that act. It seems to me now that certain of the

reservations have had allotments made, changes which may have affected certain Indians whose land has been allotted, and now, if this is repealed, in the future Indians might not have to meet the same requirements that others have met. There might be a question of unfairness about it, which could be the only objection which could be offered as I see it. What particular reservations have been affected under the provisions of this act?

Mr. MERITT. Practically all reservations where allotments have been made have been affected by this provision.

Mr. RHODES. Will you state the number of special acts of Congress applying in such cases, because on the next page I think there is an item to repeal a provision of this act. This in no way affects any special act of Congress providing for reimbursements.

Mr. MERITT. There have been a number of special acts passed by Congress where allotment work was charged to the tribal funds in the case where Indians had considerable tribal property.

Mr. RHODES. What are some of those allotments where special acts would not be affected by these items?

Mr. MERITT. The allotment of the Sioux Indians, for example.

Mr. RHODES. Well, what others?

Mr. MERITT. I think probably the Osage Indians were allotted by expenses paid out of their tribal fund. That was a special law passed by Congress and where Indians had funds in the Treasury and the money was paid out of the tribal funds, but in this case the individual Indians were allotted under the general allotment act and in nearly all cases they had no funds.

Mr. RHODES. How far has this work gone on; are there any more lands to be allotted that have not been allotted?

Mr. MERITT. About two-thirds of the Indians in the United States have been allotted and the remaining ones to be allotted are Indians of the Southwest, but those Indians have no funds to their credit, generally speaking.

Mr. RHODES. Now, have any allotment charges been collected from these Indians whose lands have been allotted?

Mr. MERITT. No, sir.

Mr. RHODES. None whatever?

Mr. MERITT. No, sir.

Mr. RHODES. Then, what would be the situation in the future with regard to Indians which have been allotted and those which are to be allotted?

Mr. MERITT. I understand no charges under this act have ever been collected. Of course, in those cases where Congress directed that allotment charges should be paid out of the tribal funds, we have used tribal funds in those cases; but that would not prevent Congress enacting this legislation.

Mr. HAYDEN. It seems to me that the answer to that question, Mr. Rhodes, would be this, that under the rule, long standing, so far as this committee in Congress is concerned, that where a tribe of Indians possessed tribal funds which will enable any kind of work to be done for tribal benefit, that we use those funds; but on the other hand where the Indians are poor and have no funds it is impossible to get the work done except by gratuity and we make a gratuity appropriation.

Now, in the cases of the Sioux Indians and others mentioned by Mr. Meritt there were in the Treasury several million dollars credited to those tribes and Congress at that time directed that that tribal fund be used for the purpose of surveying their lands and the Indians could well afford to pay it. But the reason why we should not require that of the poor Indian is the same reason that we do not require it of the poor homesteader, simply because he can not pay anything.

Mr. ELSTON. Mr. Meritt, the inclusion of this clause repealing the act of 1887 is not intended to foreclose discussion as to whether or not hereafter we should apportion the cost of this surveying and allotment work to the lands affected if we could do so justly, without hardship?

Mr. MERITT. I should think that the enactment of this proviso would relieve the Indians of the obligations heretofore incurred.

Mr. ELSTON. But it does not prevent the adoption later on of a policy of charging for this work, if Congress feels that that is necessary.

Mr. MERITT. Not at all.

Mr. ELSTON. I understand in lines 9 and 10, page 2, a provision which reads—

to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purposes.

And then, commencing in line 17, you repeal that very provision.

Mr. MERITT. I thought we had stricken that out. That is an error and should be stricken out.

Mr. ELSTON. Mr. Chairman, I move that lines, 9, 10, and 11, down to the word, "provided," be stricken out, because it is inconsistent.

Mr. CARTER. So far as that is concerned, that will accomplish the same purpose for the present, allow that part to be accepted and the proviso stricken out.

Mr. ELSTON. Well, this act does not take effect until July, 1920, so this would just act coincidentally with the repeal clause later on.

Mr. CARTER. If we strike out this language so far as the fiscal year covered by this bill is concerned, it would have the same effect as the item in this proviso.

Mr. ELSTON. No; for the reason that that repeals the act of 1887.

Mr. CARTER. I understand, Mr. Elston; but I think the section here repeals the law with reference to having Indians make a reimbursement under this proviso.

Mr. ELSTON. Well, if we strike out the language as suggested, that would accomplish the same purpose, that relating to the fiscal year for which this bill is passed.

The CHAIRMAN. This is for \$10,000?

Mr. MERITT. Mr. Chairman, in making the estimates, I submit this language that Mr. Elston refers to there is an error.

Mr. CARTER. Let us get that straight.

(After informal discussion of the bill.)

The CHAIRMAN. Let's see if we can finish up. Mr. Elston makes a motion to strike out lines—

Mr. MERITT. This was covered by the hearings before the investigation committee.

The CHAIRMAN. In that case the bill was reported to the full committee, and the subcommittee will pass on this.

Mr. CARTER. Don't you think it would be better to do that, as a suggestion.

The CHAIRMAN. We haven't got time to go over it two or three times.

Mr. ELSTON. I have made a motion to strike out lines 9, 10, and part of line 11, down to the word "provided."

The CHAIRMAN. Gentlemen, you have heard the motion.

(The question was put and the motion was agreed to.)

Mr. MERITT. Mr. Chairman, I think that this was an error in the estimates submitted to Congress; this is an error on the part of the Printing Office.

The CHAIRMAN. Is there anything further to be said on this section?

Mr. CARTER. Yes; I want to ask Mr. Meritt a question. Perhaps it has been asked. Mr. Meritt, have there ever been any collections made under this act, as set forth in this paragraph?

Mr. MERITT. No, sir.

Mr. CARTER. Is there any likelihood of any collections being made under it?

Mr. MERITT. Not likely.

Mr. CARTER. Do you think it would be possible for any collections to be made at all?

Mr. MERITT. We could make some collections, but we could only recover a small part of the money heretofore appropriated, and we felt that it would really be an injustice to the Indians now to force them to pay this charge.

Mr. CARTER. A charge which the white man does not pay!

Mr. MERITT. A charge which the white man does not pay.

Mr. RHODES. Why hasn't the department collected these charges provided for under the provisions of the act of February, 1887?

Mr. MERITT. For the reason that a large percentage of the Indians who are allotted under this act have no funds with which to reimburse the Government for this expenditure.

Mr. RHODES. Then, it might be said that no collections ever have been made and no collections ever can be made; therefore it is simply a superfluous provision in the law and might as well be eliminated.

Mr. MERITT. That is the situation. And, in respect to your question of a few minutes ago, that I did not answer, about the language appearing in lines 16 and 17 with reference to Indians living in New Mexico and Arizona who were not residing on the public domain prior to June 30, 1917, I will say that this item was insisted upon by one of the Senators from New Mexico a few years ago for the reason that a number of the Navajo Indians had been allotted on the public domain, notwithstanding the fact that a large reservation is set aside for the Navajo Indians and that was for the purpose of discouraging the Navajo Indians from leaving their reservation and going out on the public domain and taking allotments. That is the reason for that language.

Mr. HAYDEN. Mr. Meritt, this appropriation of \$10,000 is a nominal sum, and the only reason why you have reduced that amount, as I understand, is because of an unexpended balance on hand?

Mr. MERITT. Yes, sir.

Mr. HAYDEN. Now, if you use up the remainder of the unexpended balance next year you will probably ask for a larger sum than \$10,000

for surveying, because, from what you have said, I don't believe it will be possible to get along every year from now on with but \$10,000 for surveying.

Mr. MERRIT. That is true.

The CHAIRMAN. Is there any further discussion of this section? If there are no further questions, we will consider this section agreed to by the subcommittee and the clerk will read the next section.

(The clerk read the next section, as follows:)

IRRIGATION ON INDIAN RESERVATIONS (REIMBURSABLE).

For the construction, repair, and maintenance of irrigation systems, and for purchase or rental of irrigation tools and appliance, water rights, ditches, and lands necessary for irrigation purposes for Indian reservations and allotments; for operation of irrigation systems or appurtenances thereto when no other funds are applicable or available for the purpose; for drainage and protection of irrigable lands from damage by floods or loss of water rights, upon the Indian irrigation projects named below:

Irrigation district one: Sand Creek.

Agency and miscellaneous projects: Klamath Reservation, \$6,100; Round Valley Reservation, California, \$1,000; Colville Reservation, \$6,000; total, \$13,100.

Irrigation district two: Moapa River, \$1,050; Shivwits, \$800; Walker River, \$9,285; Western Shoshone, \$3,000; total, \$14,135.

Irrigation district three: Tongue River, Montana, \$2,000.

Irrigation district four: Ak Chin, Maricopa Reservation, \$4,000; La Jolla Reservation, \$2,200; Coachella Valley pumping plants, \$8,500; Morongo Reservation, \$5,500; Headgate, McDowell Indians, Salt River Reservation, \$1,500; Pala Reservation, \$4,500; Rincon Reservation, \$2,000; miscellaneous projects, \$15,000; total, \$43,200.

Irrigation district five: Southern Ute Reservation, Pine River project, \$21,000; San Juan Reservation, \$20,000; New Mexico Pueblos, \$15,000; Zuni Reservation, \$9,800; Navajo and Hopi, miscellaneous projects, including Tesnospos, Moencopi Wash, Captain Tom Wash, and Red Lake, \$20,000; total, \$85,800.

For necessary miscellaneous expenses incident to the general administration of Indian irrigation projects, including salaries of not to exceed five supervising engineers:

In Indian irrigation district one: Oregon, Washington, northern California, and northern Idaho, \$10,000;

In Indian irrigation district two: Southern Idaho, Nevada, and Utah, \$12,500;

In Indian irrigation district three: Montana, Wyoming, and South Dakota, \$11,000;

In Indian irrigation district four: Central and southern California and southern Arizona, \$15,500;

In Indian irrigation district five: Northern Arizona, New Mexico, and Colorado, \$12,000;

For cooperative steam gauging with the United States Geological Survey, \$4,000;

For necessary surveys and investigations to determine the feasibility and estimated cost of new projects and power and reservoir sites on Indian reservations in accordance with the provisions of section 13 of the act of June 25, 1910, \$10,000;

For pay of one chief irrigation engineer, \$4,000; one assistant chief irrigation engineer, \$3,000; one superintendent of irrigation competent to pass upon water rights, \$2,500; one field-cost accountant, \$2,250; and for traveling and incidental expenses of officials and employees of the Indian irrigation service, including sleeping-car fare, and a per diem not exceeding \$3.50 in lieu of subsistence when actually employed in the field and away from designated headquarters, \$6,000;

In all, for irrigation on Indian reservations, \$250,985, reimbursable as provided in the act of August 1, 1914 (Thirty-eight Statutes at Large, page 582): *Provided*, That that part of the provision of said act requiring reimbursement of all moneys theretofore expended for Indian irrigation work is hereby re-

pealed: *Provided further*, That no part of this appropriation shall be expended on any irrigation system or reclamation project for which public funds are or may be otherwise available: *Provided further*, That the foregoing amounts appropriated for such purposes shall be available interchangeably in the discretion of the Secretary of the Interior for the necessary expenditures for damage by floods and other unforeseen exigencies: *Provided, however*, That the amount so interchanged shall not exceed in the aggregate 10 per centum of all the amounts so appropriated.

The Secretary of the Interior is hereby authorized, in his discretion, and under such rules and regulations as he may prescribe, to require the owners of irrigable land under any irrigation system heretofore or hereafter constructed for the benefit of Indians and to which water for irrigation purposes can be delivered to begin partial reimbursement of the irrigation charges, where reimbursement is required by law, at such times and in such amounts as he may deem best; all payments hereunder to be credited on a per acre basis in favor of the land in behalf of which such payments shall have been made and to be deducted from the total per acre charge assessable against said land when the amount of such total charge can be determined.

The CHAIRMAN. All right. Now we will let Mr. Meritt proceed with the justifications.

Mr. MERITT. Mr. Chairman, I offer for the record the following justifications:

Irrigation, Indian Reservations (reimbursable).

Fiscal year ending June 30, 1920; amount appropriated.....	\$253, 750. 00
Fiscal year ended June 30, 1919:	
Unexpended balance from prior years.....	107, 736. 56
Amount appropriated.....	250, 750. 00
Total.....	358, 486. 56
Amount expended.....	213, 946. 19
Unexpended balance.....	144, 540. 37
Analysis of expenditures:	
Salaries, wages, etc.....	146, 374. 70
Traveling expenses.....	8, 486. 21
Transportation of supplies.....	1, 701. 41
Telegraph and telephone service.....	659. 69
Stationery, printing, schoolroom supplies.....	548. 92
Subsistence supplies.....	760. 86
Forage.....	836. 12
Fuel, lubricants, power, and light service.....	4, 090. 00
Equipment and miscellaneous material.....	27, 621. 03
Stream-gauging expenses.....	1, 147. 04
Rent of buildings.....	2, 302. 50
Miscellaneous.....	943. 75
Outstanding liabilities.....	18, 473. 96
Total.....	213, 946. 19

This sum covers the construction, repair, maintenance, operation, and miscellaneous cost of numerous small irrigation projects not otherwise provided for, and the general administrative expenses of the Indian irrigation service, more specifically mentioned, as follows:

Agency and miscellaneous projects, Klamath Reservation, Oreg., \$6,100: The greater part of this item will be required for the maintenance and operation of the Sand Creek project, provision for the construction of which is contained in the Indian bill for the fiscal year 1920. Additional funds will be required for the maintenance and operation of the agency project and for other miscellaneous unforeseen irrigation work which in the nature of events is certain to arise.

Round Valley Reservation, Calif., \$1,000: This sum is required for the maintenance of dikes for preventing the erosion of allotted lands along Mill Creek,

which creek is subject to extreme floods annually. Considerable work must be done to hold these waters within bounds.

Colville Reservation, Wash., \$6,000: This sum is required for repairing the Little Nespelem project which suffered considerable damage by floods during the winter of 1918-19, and for enlarging and extending the "agency ditch" in order to provide for the irrigation of additional lands. The Indians are showing an increasing interest in agricultural pursuits and it is very desirable to be able to provide them with water for irrigation as rapidly as they are willing to make use of it.

Moapa River, Nev., \$1,050: This sum is required for the maintenance and operation of the irrigation system on this reservation. The larger part of this money is expended for the employment of a ditch rider to attend to the distribution of water over the 600 acres of land within the project.

Shivwits, Utah, \$800: This sum is required for maintenance and operation of the system on the Shivwits Reservation. This system is subject to annual damage by flood waters, which entails a fairly high average cost of maintenance and operation.

Walker River, Nev., \$9,285: This project is in a bad state of repair and will require considerable construction work to place it in satisfactory condition. The funds requested are intended to cover this work and the usual costs of operation.

Western Shoshone, Nev., \$3,000: This system comprises various old Indian ditches and certain ditches constructed by the Indian Service, covering a total of 770 acres of cultivated land and 4,000 acres of hay land. The funds required are for usual maintenance and operation expenses. The age of some of the structures in the system necessitates their renewal, which entails a higher rate of maintenance than is usual.

Tongue River, Mont., \$2,000: This sum is required for the maintenance and operation of the irrigation system covering 2,000 acres of land, approximately one-half of which is in cultivation by Indians and white lessees. The Indians do not make the best possible use of this system, and the neglect thus occasioned increases the cost of maintaining the system.

Ak Chin, Maricopa Reservation, Ariz., \$4,000: Three pumping plants were installed on the Maricopa Reservation during the year 1916, and are being used throughout the year for the irrigation of several hundred acres of land, upon nearly all of which two crops per year are raised. The cultivation of these lands is the sole means of livelihood of the Indians, and they are annually increasing the acreage in crops. The sum herewith requested will be required for keeping these plants in repair and paying the cost of operating expenses.

La Jolla Reservation, Calif., \$2,200: \$1,700 of this sum is required for extending and completing the irrigation system, for which the sum of \$6,000 is provided in the Indian appropriation bill for the fiscal year 1920. Owing to the increased costs of material and labor, the available appropriation will be insufficient to complete the work contemplated at the time the estimate for the aforesaid \$6,000 was submitted. The balance of the amount herewith requested will be required for maintenance and operation.

Coachella Valley pumping plants, Calif., \$8,500: There are five pumping plants in the Coachella Valley on which the Indians are dependent for water for irrigation purposes. The lands are exceptionally fertile and produce especially large and valuable crops. Pumping water for irrigation purposes is considerably more expensive than supplying it by gravity, but water from wells is the only supply available in this country and the value of the crops raised amply justifies the cost. In order to keep the five plants in operation it is necessary to have an engineer in charge of each one, with a more experienced man in general charge to travel from plant to plant to keep the machinery in proper order. These plants are operated approximately 10 months in the year and two or more crops are raised on the land.

Morongo Reservation, Calif., \$5,500: The infiltration gallery which is a part of the pumping plant on the Morongo Reservation was constructed in 1908 and 1909 and now furnishes about 30 per cent of the water supply of the reservation. This tunnel is lined with timber, which is now fast rotting out and must be replaced. The replacement will be made with concrete and will therefore, be more enduring. It is also necessary to replace the wooden pumping frame, which has deteriorated and will scarcely last another season. The Indians of this reservation are working with a very high duty of water

being 1 second-foot to the 150 acres, which is probably the highest duty employed in southern California.

Headgate, McDowell Indians, Salt River Reservation, Ariz., \$1,500: Arrangements are being made for transferring the water available for irrigation on the McDowell Reservation to land on the Salt River Reservation, which will be allotted to the McDowell Indians. In transferring this water it will be necessary to construct a headgate in the Arizona Canal and this sum will be required for that purpose.

Pala Reservation, Calif., \$4,500: This sum is desired for extending the pipe lines for the purpose of bringing more land under cultivation and for maintaining and operating the system during the fiscal year.

Rincon Reservation, Calif., \$2,000: Water for the Rincon Reservation is obtained by pumping, and it is necessary to operate the pumps approximately seven and one-half months each year. Large crops of beans and corn are harvested annually and, although the maintenance and operation are fairly high, the crop return amply justifies the expense.

Miscellaneous projects, \$15,000: This sum is necessary to carry on investigations into the feasibility of power and irrigation projects within district No. 4, where water is scarce, in order to provide for the increasing needs of the Indians and to protect Indian water rights from encroachments of private irrigation projects. It is very important to have a reasonable sum available for carrying on investigations of this character and for developing small water supplies from time to time as the circumstances require.

Southern Ute Reservation, Pine River Project, Colo., \$21,000: A considerable part of the system on the Southern Ute Reservation was constructed by the Indians from 15 to 30 years ago. These ditches have had very little repair since that time and, owing to indifferent construction and the rough nature of the country considerable repair must now be made in order to keep the system in operating condition. It is estimated that approximately \$40,000 will be required to restore this system to good condition. Of this amount the sum of \$15,000 is included in this estimate and an additional sum of \$3,000 is included for maintenance and operation.

San Juan Reservation, N. Mex., \$20,000: Of this sum \$14,200 is required for the extension of laterals on the Hogback project, for constructing various structures incident to the operation of the system and for replacement of a flume which has been wrecked by a flood. The balance of the amount requested is required for maintenance and operation, this feature involving considerable cost owing to the difficulty in restraining the waters within their banks and preventing damage to structures by erosion.

New Mexico Pueblos, \$15,000: This sum is required for maintaining the irrigation projects which have been constructed for the benefit of 10 pueblos in New Mexico, and to cover the cost of new development to meet the needs of the Indians and for the protection of their lands from the encroachments of the Rio Grande. Water is very scarce in this country and the Indians are almost solely dependent upon the water supply thus provided.

Zuni Reservation N. Mex., \$9,800: The appropriation act for the fiscal year 1920 provides the sum of \$18,200 which was requested for the purpose of raising the spillway of the Zuni Reservoir, and for necessary works to prevent floods from destroying the dam again when it shall have been constructed. Increasing costs have made this sum insufficient and made it necessary to request an additional amount of \$6,800 for this work; \$3,000 is estimated as necessary for the usual maintenance and operation cost.

Navajo and Hopi, miscellaneous projects, including Tes-Nos-Pos, Moencopi, Wash.; Captain Tom Wash, and Red Lake, \$20,000. This sum is for the maintenance of existing miscellaneous projects within the Navajo and Hopi Reservations and for continuing the investigation and development of resources of water supply. These Indians are essentially stock raisers, and each new supply of water that can be provided adds to the grazing range and permits a proportionate increase in the number of stock raised. The Indians are very industrious and have made a splendid showing with the facilities afforded them.

Miscellaneous administrative expenses, \$61,000: District No. 1, \$10,000; district No. 2, \$12,500; district No. 3, \$11,000; district No. 4, \$15,500; district No. 5, \$12,000. The amounts requested under this heading are required to pay the salaries of the five supervising engineers, their traveling expenses, clerical help, and miscellaneous office expenses.

Cooperative stream gauging, \$4,000: The gauging of streams is necessary in order to obtain information upon which to base calculations for dams and reservoir sites and in order to know definitely the average flow available for irrigation purposes at all seasons of the year. Arrangements are made annually for having this work done under the direction of the Geological Survey, inasmuch as that bureau is equipped with the necessary instruments and qualified employees and is in a position to obtain reliable data at the lowest possible cost.

Miscellaneous surveys and investigations, \$10,000: It becomes necessary from time to time to conduct surveys and investigations as to the water resources of a given locality in order to determine the course of the office with respect to proposed irrigation projects and for the purpose of preventing encroachment upon the Indians' water rights and also for the purpose of obtaining data to be used in court cases where such rights become jeopardized.

For pay of chief irrigation engineer and others, \$11,750: This sum covers the salaries of the chief engineer, assistant chief engineer, superintendent of irrigation, and cost accountant, whose services are necessary for the efficient conduct of the Irrigation Service. The estimates for the respective salaries remain the same as heretofore, with the exception of the assistant chief engineer, for whom an increase of \$500 is requested. Owing to the increase in the cost of living, the salaries of the five supervising engineers were increased during the past fiscal year from \$2,250 to \$2,500 per annum. The assistant chief engineer has the oversight of a portion of the work of the supervising engineers, which, together with the fact that he is subject to the same disadvantages entailed by the high cost of living, is regarded as justifying an increase in his compensation.

Travel and incidental expenses, \$6,000: This sum is required to cover the traveling expenses of the chief irrigation engineer and employees of his office when in the field. The nature of the positions held by these persons requires a very considerable amount of travel in order to oversee the work of the several projects.

The act of August 1, 1914, provided that funds appropriated theretofore or thereafter under this provision should be reimbursable. This, of course, in so far as it related to funds previously expended, placed upon the Indians a burden which they did not know they were assuming at the time the funds were being used. The matter was under discussion at the recent hearings before the Committee on Indian Affairs of the House of Representatives on the condition of various tribes of Indians, and it was the consensus of opinion of those present that the provision was improper and should be repealed. The office agrees with the committee in this respect, believing that the requirement as to reimbursement should run only from the date of the act in which it was contained, in order that the Indians may not suffer the disadvantage of having to repay funds which neither they nor this office understood were to be repaid at the time they were expended. The amount from which the reimbursable provision would thus be removed is \$2,817,582.11.

REIMBURSEMENT OF IRRIGATION CHARGES.

With a few exceptions, the acts providing for the construction of irrigation systems from public funds provide that the funds expended shall be reimbursed to the Government. Some of the acts specify how this reimbursement shall be made, while others provide that reimbursement shall be made under such rules and regulations as the Secretary of the Interior shall prescribe. All of them, however, contemplate the prorating of the cost on a per acre basis and the assessment of such costs when the project shall have been completed and it shall be possible to determine the actual cost. There are a number of irrigation projects which are not yet completed where water is being delivered to some of the lands and the lands are producing abundantly. In such instances it would be advantageous to the Government to have reimbursement commence immediately and it would likewise be advantageous to the land owner to begin payment as early as practicable. Should the foregoing item be enacted the Secretary of the Interior would arrange to commence the collection of irrigation charges from lands which have begun to realize benefits from the delivery of irrigation water. The rate would be fixed, of course, so as not to cause the landowner to overpay his pro rata share of the cost of the entire system. There are some Indian irrigation projects so far completed as to be able to deliver water to certain Indian lands, yet it would

not be possible for the Indian owners of such lands, at this time, to commence repayment of the irrigation charges. Due provision has been made for such lands by placing a wide discretion in the Secretary of the Interior.

The CHAIRMAN. Now, let us take up this item, if you see fit. This is a new item that was not in last year.

Mr. HAYDEN. No, Mr. Chairman; that is a reduction from \$20,000 appropriation last year, Klamath Reservation, to \$6,100; is that not correct, Mr. Meritt?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Well, why write the bill in this type if it is not new matter?

Mr. MERITT. Practically none of these are new items, Mr. Chairman. They are all carrying out work begun heretofore.

Mr. RHODES. Let me ask a question for information. What are the reasons for printing in this type the language contained in lines 19 and 21?

Mr. MERITT. That is the Printing Office method of preparing the Indian bill.

Mr. RHODES. Why print some in italics and the remaining portion otherwise? The clerk says one represents the present law and the other the proposed law. Does that indicate new legislation.

Mr. MERITT. No, sir. Now, there are changes in the amounts and the Printing Office has seen fit to line these old amounts out and put in italics the new amounts; for example, the bill last year had Klamath Reservation, \$20,000. This year we are asking for an appropriation of \$6,100 for Klamath Reservation.

Mr. RHODES. So that rule obtains throughout the whole bill?

Mr. MERITT. Yes, sir. It would be much simpler if the Printing Office instead of striking out the reservations would simply line out the amount of the appropriation and insert the new amount.

The CHAIRMAN. Now, these justifications are six or seven pages long. My idea is to read them separately and if anybody wants to ask any questions under them, all right; otherwise, we will go on to the next one. Would that be agreeable to the committee?

Mr. MERITT. The next is Round Valley Reservation, Calif., \$1,000. This sum is required for the maintenance of dikes for preventing the erosion of allotted lands along Mill Creek, which creek is subject to extreme floods annually. Considerable work must be done to hold these waters within bounds.

Mr. HAYDEN. That is a reduction of a thousand dollars over the amount appropriated last year?

Mr. MERITT. Yes, sir.

The next is Colville Reservation, Wash., \$6,000. This sum is required for repairing the little Nespelem project which suffered considerable damage by floods during the winter of 1918-19, and for enlarging and extending the "agency ditch" in order to provide for the irrigation of additional lands. The Indians are showing an increasing interest in agricultural pursuits and it is very desirable to be able to provide them with water for irrigation as rapidly as they are willing to make use of it.

That is a reduction of \$4,000 over last year.

The CHAIRMAN. We would be glad if you would state each time whether there is a decrease or an increase.

Mr. MERITT. The total amount for that district is \$13,100, which is a decrease of \$3,100 from last year.

Moapa River, Nev., \$1,050. The Indian bill for last year appropriated \$1,200 for this work. That is a reduction.

Shivwitz, Utah, \$800, a reduction of \$400 over last year's bill.

Walker River, Nev., \$9,285. The appropriation last year was \$8,500, a slight decrease.

Western Shoshone, Nev., \$3,000, a decrease of \$2,000 over last year's bill.

Mr. RHODES. Is the total increased or decreased?

The CHAIRMAN. The total shows a slight decrease.

Mr. MERITT. The total for last year was \$15,000, for this year \$14,100.

Mr. RHODES. What is the reason for increasing that one item?

Mr. MERITT. We need to do some additional work there this year that was——

Mr. RHODES (interposing). What is the nature of that work?

The CHAIRMAN. Now, I suggest, Mr. Rhodes, if you will pardon me, where you desire information, we let Mr. Meritt read the justification for that item.

Mr. RHODES. I thought he was through.

The CHAIRMAN. He is just reading the headings of the items, unless there are questions to be asked, but in this case we will ask that he read the justification.

Mr. RHODES. I will withdraw the question and wait until the time comes.

Mr. MERITT. This has gotten into a bad state of repair and requires considerable work to put it in satisfactory condition. The funds requested are to do this work and the cost of operation.

Tongue River, Mont., \$2,000; same as last year.

Irrigation district No. 4, Ak Chin, Maricopa Reservation, Ariz., \$4,000. An increase of \$800. The pumping plants were installed on the Maricopa Reservation during the year 1916 and have been in use through the year irrigating several hundred acres of land, upon nearly all of which two crops per year are raised. The cultivation of these lands is the sole means of livelihood of the Indians, and they are annually increasing the acreage in crops. The sum requested will be required for keeping these plants in repair and paying the cost of operating expenses.

La Jolla Reservation, Calif., \$2,200.

The CHAIRMAN. Is that an increase or decrease?

Mr. MERITT. That is a decrease of nearly \$400.

The CHAIRMAN. What is the next?

Mr. MERITT. Coachella Valley pumping plants, California, \$8,500.

The CHAIRMAN. Read the justification for that.

Mr. MERITT. There are five pumping plants in the Coachella Valley, on which the Indians are dependent for water for irrigation purposes. The lands are exceptionally fertile and produce especially large and valuable crops. Pumping water for irrigation purposes is considerably more expensive than supplying it by gravity, but water from wells is the only supply available in this country and the value of the crops raised amply justifies the cost. In order to keep the five plants in operation it is necessary to have an engineer in charge

of each one, with a more experienced man in general charge to travel from plant to plant to keep the machinery in proper order. These plants are operated approximately 10 months in the year and two or more crops are raised on the land.

The CHAIRMAN. Is that a new item?

Mr. MERITT. I would like to get Mr. Reed to make a statement with regard to that.

STATEMENT OF MR. W. W. REED.

Mr. REED. These plants have been constructed for a couple of years and the fuel used is either crude oil or gasoline. And in the last two years, as we all know, the price of such supplies have been, especially in the case of oil, doubled, and the price of labor for operating the plants has also greatly increased and it has been necessary in some of these plants to slightly increase this charge as a result of the unusual conditions—

The CHAIRMAN. Well, is this a new item?

Mr. REED. It has been given before in the general item, but is made a special item this year.

The CHAIRMAN. Why do you put it in as a new special item this year?

Mr. REED. So that everybody can understand and know what it is.

The CHAIRMAN. That is carrying out the suggestion and requests that have been made.

Mr. REED. Yes, sir.

The CHAIRMAN. Can you give a more complete idea of the plants that are carried on under this general item?

Mr. CARTER. Mr. Reed, I notice you had Agua Caliente Reservation last year and haven't it this year. Are there any other places you have left out?

The CHAIRMAN. Are there any other items which were in the bill last year that you haven't in the bill this year under this general item?

Mr. REED. I think not, but I would have to make a comparison. I haven't that book.

Mr. HAYDEN. Congress has appropriated for the Agua Caliente Reservation \$3,000; Grindstone Creek Reservation, \$1,300; and La Jolla Reservation, \$6,000, in the bill for last year. And you have in the bill this year the Coachella Valley pumping plants, \$8,500.

Mr. MERITT. Morongo Reservation, Calif., \$5,500; Headgate, McDowell Indians, Salt River Reservation, Ariz., \$1,500. The total amount carried in irrigation district No. 4 is \$43,000 instead of \$36,700.

Mr. CARTER. Well, the thing we want to get at Mr. Meritt is, are the amounts given in any other part of the bill; is this an actual reduction?

Mr. HAYDEN. Apparently we appropriated last year for irrigation under this general item, \$253,750. They have rearranged the items and have a total of \$250,983, or an actual reduction of about \$3,000, which is switched from one place to another; that is, where they have completed work on one project they have commenced on another.

Mr. CARTER. What has become of Agua Caliente?

Mr. REED. We will practically complete that under the present appropriation.

Mr. CARTER. And you need no appropriation for next year?

Mr. REED. No, sir.

Mr. CARTER. Now, that gets at the point. Now, what becomes of Big Pine?

Mr. REED. At Big Pine, we are not contemplating any further work this following year.

Mr. CARTER. You have funds on hand; how about Owens Valley?

Mr. REED. Owens Valley is practically in the same condition. There is hardly anything up there.

Mr. CARTER. How about Grindstone Creek Reservation?

Mr. REED. That is a very small pumping plant that we do not intend to put in the present bill.

Mr. CARTER. Now, then, I notice you have in this proposed language "Coachella Valley pumping plants, \$8,500," which seems from the language to be a new proposition.

Mr. REED. Well, the Coachella Valley pumping plant we carried last year as the Agua Caliente, the Martinez pumping plant, and also one or two others.

Mr. CARTER. Now, then, the Agua Caliente and the others, Martinez, pumping plants are consolidated into the Coachella Valley pumping plant?

Mr. REED. Yes, sir.

Mr. CARTER.—You are asking for an appropriation of \$8,500, whereas last year you had only \$5,000, so that is an actual increase of \$3,500. What is the reason for that?

Mr. REED. For the reason that I have suggested, that everything costs more, even labor.

Mr. CARTER. Now, you have the McDowell Indians, Salt River Reservation, Ariz., \$1,500, which appears to be a new item in this bill.

Mr. REED. The McDowell Indians have a little reservation of their own, which is impossible to irrigate. There has been some efforts in the past to divert the river there and all of them have been failures. At the present time it is contemplated to move the farming of the McDowell Indians over to the Salt River, which is adjacent, and joins, and that necessitates the construction of a head-gate and some little operation charges. The main system itself has already been built.

Mr. CARTER. So that the McDowell Indians will be cared for on a project that is now completed, approximately?

Mr. REED. Yes, sir.

Mr. CARTER. Well, how was that carried last year?

Mr. REED. It wasn't carried, because they had nothing.

Mr. CARTER. Well, then, that is practically a new item on account of moving the McDowell Indians?

Mr. REED. Yes, sir; last year there were no expenditures made.

The CHAIRMAN. Now, you state, Mr. Reed, that this increase of \$3,500 is due to increased cost of material, labor, etc.?

Mr. REED. Yes, sir.

The CHAIRMAN. Now, why does not that apply at every one of these places?

Mr. REED. That increase does apply everywhere, but we are contemplating cutting down the work.

The CHAIRMAN. Well, personally, I am not favorable to increasing any of these items unless there appears to be an emergency cause for doing it.

Mr. REED. Well, in every case where they use power to get any water at all might be considered as an emergency. Where there is gravity, and you can put the work onto the Indians, you can get along without an increase; but where the means of raising water is by machinery and power I can't see how we can get along without it.

The CHAIRMAN. Unless there is a real reason shown, I would be opposed to increasing any of the items over last year, and therefore I suggest in this case that this item should be reduced to the amount given in last year's bill; unless they can make a real justification, that it be reduced to the two items covered in last year's bill.

Mr. REED. Well, that would necessitate abandoning that plant.

The CHAIRMAN. Well, how serious would be the effect on the situation there?

Mr. REED. Those Indians live in a country where rainfall is entirely inadequate to raise anything. It is in the hottest part of the United States and the seasons are long, and with water they can raise two or three crops a year.

The CHAIRMAN. But, Mr. Reed, I can't see any more justice in increasing this item than could be given in increasing the other items over last year's appropriation.

Mr. REED. Well, there is, for the reason that many others are diversion of water from flowing creeks. This is absolutely a power proposition, which means raising water out of the ground, and no amount of energy expended by the Indians would overcome that difficulty.

The CHAIRMAN. Suppose we, instead of giving you the \$3,500 there, increase the item over last year \$1,000; what effect would that have on the proposition?

Mr. REED. Well, it wouldn't permit of full use of the land. They probably would get one crop and then stop.

The CHAIRMAN. Well, it is my suggestion regarding the matter. I would like to hear from the other members of the committee. Mr. Carter suggests a question as to whether this is for furnishing water or whether it is for improvements.

Mr. REED. It is for actually furnishing water, getting it out of the ground and of course upkeep of the plant.

Mr. CARTER. Pumping water?

Mr. REED. Yes.

The CHAIRMAN. It does not contemplate any new machinery?

Mr. REED. No, sir; nor extensions.

Mr. ELSTON. Mr. Reed, is it contemplated to keep this plant in the hands of the Government indefinitely, or eventually to hand it over to the Indians to operate?

Mr. REED. Whenever the Indians become sufficiently advanced to take it over, we would be glad to have them take it over.

Mr. ELSTON. What do you mean by advanced—financially or educationally?

Mr. REED. Well, in a sense, educationally; because handling a pumping plant means your men must be trained sufficiently to know how to handle it, and then also far enough advanced financially to finance it.

Mr. ELSTON. Of course, if they are advanced financially, they can hire other labor to operate those plants.

Mr. REED. Sure, if they need them.

Mr. ELSTON. Are all of the lands allotted?

Mr. REED. No; they are not. They are living on tentative allotments.

Mr. ELSTON. Is this Coachella Valley pumping plant one that is to be covered in the last part of this section providing for a partial reimbursement?

Mr. REED. Yes, sir.

Mr. ELSTON. I note that no amounts have been specified.

Mr. REED. As soon as they make a surplus. At first it is very small, a very small charge, and it is increased as they increase in ability to pay.

Mr. ELSTON. You mean a surplus of production which they sell?

Mr. HAYDEN. Let me ask why this increase is necessary to take care of the Coachella Valley pumping plant.

Mr. REED. There is an increased cost of labor, supplies, and material.

Mr. HAYDEN. Then your idea is that it takes so much money to pay for the crude oil, to pay the engineers and other employees to run the plants 10 months in the year, which is the growing season in that valley?

Mr. REED. Yes.

Mr. HAYDEN. Now if for any reason this appropriation is cut down the pumping plants must operate for a less number of months?

Mr. REED. Yes, sir.

Mr. RHODES. Mr. Reed, may I ask what the facts are with regard to the use that is being made of this plant? I observe you stated awhile ago that by using this plant two crops a year could be raised on those lands.

Mr. REED. Yes, sir.

Mr. RHODES. Now, are two crops a year being raised?

Mr. REED. Yes, sir.

Mr. RHODES. Have two crops a year been raised?

Mr. REED. Yes, sir.

Mr. RHODES. During 1918 and 1919?

Mr. REED. There were two crops on some of the land raised this year. At the pumping plant they are up against this proposition: It requires the labor there whether you pump 100 per cent efficiency or not.

Mr. RHODES. That is what I am speaking about at this particular point. I want to know whether or not full use is made of these water rights on this reservation.

Mr. REED. No, sir; if you ask if full use is made. Full use is not made. Some made full use of them during the last two crops.

Mr. ELSTON. Well, could you reduce the amount of this appropriation and still meet the necessity in that case?

Mr. REED. No, sir.

Mr. ELSTON. Then, there is a demand for water that requires that you keep this plant going throughout the growing season?

Mr. REED. Yes. I might illustrate that in this way. We will say that a certain area could be irrigated from this plant. There are half of the Indians that will make full use of it and there are half that will not take hold. Now, those that want to make full use of it will want to use it for the full season and it will be necessary to keep water running for their use during the whole season, and with a little additional gas or oil the plant could be run at 100 per cent.

Mr. RHODES. That means an increase of about 50 per cent in the labor and material costs in this case?

Mr. REED. And that is true in that country.

Mr. RHODES. And that is the only reason that makes it necessary to ask for increased appropriations?

Mr. REED. Yes, sir.

The CHAIRMAN. Are there any other increases in these items by reason of the same situation.

Mr. REED. I don't recall without going through them.

The CHAIRMAN. Now, we will take up the Morongo Reservation, Calif.

Mr. MERITT. The next is the Morongo Reservation, Calif., \$5,500, and the justification for that reads as follows:

The infiltration gallery which is a part of the pumping plant on the Morongo Reservation was constructed in 1908 and 1909 and now furnishes about 30 per cent of the water supply of the reservation. This tunnel is lined with timber which is now fast rotting out and must be replaced. The replacement will be made with concrete and will, therefore, be more enduring. It is also necessary to replace the wooden pumping frame which has deteriorated and will scarcely last another season. The Indians of this reservation are working with a very high duty of water, being 1 second-foot to the 150 acres, which is probably the highest duty employed in southern California.

The CHAIRMAN. Is there anything to be said on that?

Mr. MERITT. The next is Headgate, McDowell Indians, Salt River Reservation, Ariz., \$1,500. Mr. Reed has explained to the committee that the McDowell Indians will take allotments on the Salt River Reservation, which necessitates a headgate, and this sum will be required for that purpose.

The next is Pala Reservation, Calif., \$4,500, which is the same as last year.

Rincon Reservation, Calif., \$2,000. That is a reduction of \$1,000. That is explained in the justification.

Miscellaneous projects, \$15,000.

Mr. ELSTON. Why do you put in that kind of a subject, "Miscellaneous projects?"

Mr. MERITT. Because there are certain very small projects that are not large enough to make special appropriations for and we like to have a general item to cover those projects.

Mr. ELSTON. Have you any knowledge as to what projects we made the same appropriation last year for under this?

Mr. REED. I have, of course, everything for which money was used last year. To give you some idea as to how this is used: They will buy and have bought little parcels of land for small bunches of Indians and then ask to have water developed and put on it. We use that miscellaneous item for that. Some of that we can't even foretell where it will be used.

Mr. ELSTON. Is this the same as this appropriation last year?

The CHAIRMAN. It is \$3,000 less.

Mr. ELSTON. You used practically all of that last year?

Mr. REED. We used practically all of it.

The CHAIRMAN. Can you take from this fund to use, for instance, on the Rincon Reservation in California?

Mr. REED. We could only use within the specified sum, 10 per cent. Rincon might have an accident that hadn't been provided for. We could take 10 per cent from some other to take care of that unusual condition, or the condition might arise on some other reservation and we would take from the Rincon fund.

The CHAIRMAN. In other words, from any amounts appropriated you can use 10 per cent where an emergency arises?

Mr. REED. Yes, sir.

The CHAIRMAN. And that has been the usual rule for years on this bill?

Mr. REED. Since this was made specific, two years ago.

The CHAIRMAN. Let's take up the next.

Mr. MERITT. The next is No. 5, Southern Ute Reservation, Pine River, Colo., \$21,000. The justification for that reads as follows:

A considerable part of the system on the Southern Ute Reservation was constructed by the Indians from 15 to 30 years ago. These ditches have had very little repair since that time, and owing to indifferent construction and the rough nature of the country considerable repair must now be made in order to keep the system in operating condition. It is estimated that approximately \$40,000 will be required to restore this system to good condition. Of this amount the sum of \$10,000 is included in this estimate and an additional sum of \$3,000 is included for maintenance and operation.

The CHAIRMAN. What was the appropriation last year?

Mr. MERITT. \$8,000.

The CHAIRMAN. And this is an increase of \$13,000.

Mr. MERITT. The project seems to be run down considerably. There are 45 miles of main laterals, 60 miles of sublaterals. Allotments under ditch June 30, 1919, 95; Indians benefited by the irrigation, 250; irrigated allotted lands leased, 2,400 acres; acreage of lands allotted 4,127; acreage cultivated by Indians, 1,790.

Mr. ELSTON. Mr. Meritt, here you have 4,000 acres, and there is only a little over a thousand acres used by 250 Indians.

The CHAIRMAN. Eighty Indians; 250 benefited.

Mr. ELSTON. Why should we continue an appropriation for a system three-fourths of which is used by white persons? If they lease that land they ought to get together in an emergency way and maintain their own system. I don't see why we should continue that. Let them get together and do something; have a mass meeting and take it up.

Mr. MERITT. We have inserted legislation in this bill to cover that.

Mr. ELSTON. I read that. I think that we ought to maintain these reservations for the Indians and not for the benefit of the whites. They ought to get together and make some sacrifices to bear the expense. They are getting the benefit of its use.

Mr. MERITT. I would like to have Mr. Reed make a statement in regard to it.

Mr. REED. This is not the same. This is on the Southern Ute Reservation in Colorado, but the conditions are this: They do collect

from the white men who lease for the maintenance and operation charge, but you will note that this is largely for reconstruction work on these ditches and some old flumes that have been there for years. They have depreciated until they are at the point of falling right now and they must be reconstructed. You can hardly expect a person leasing to go in and pay for the plant itself, but you can make him pay for the maintenance and operation of it.

Mr. ELSTON. What rental do they pay on an average.

Mr. REED. I would have to ask—

The CHAIRMAN. I agree with Mr. Elston. I am thoroughly opposed to taking up any more old schemes which have gone down to decay and putting them into condition for the benefit of somebody besides the Indians.

Mr. ELSTON. Now, here, Mr. Chairman, 250 Indians are living on about a thousand acres of land, and here are 4,000 acres of land irrigated by this project for the benefit and use of the whites. Now, it would appear to me that if there was any adequate rental on the 4,000 acres, at least we can find a way to take care of the 250 Indians so that we might make it clear as to where the rentals go and whether they are being used for the benefit of these Indians.

Mr. CARTER. Are these people required to pay water rentals?

Mr. REED. The white people?

Mr. CARTER. Yes.

Mr. REED. Yes, sir.

Mr. CARTER. What are the revenues from water rentals?

Mr. REED. Oh, they are only such as to pay for the maintenance and operation.

Mr. ELSTON. And not for a sinking fund to liquidate the investment.

Mr. REED. No, sir.

Mr. HAYDEN. Have you any figures as to what the white men pay for water?

Mr. REED. I think about \$1.50 per acre.

Mr. ELSTON. A year?

Mr. REED. Yes, sir.

Mr. ELSTON. That would be about \$6,000 a year for water rent. Now, in addition to the water rental, what do they pay for the use of the land; what does that amount to?

Mr. REED. I don't know.

Mr. ELSTON. Could you get that and put it in the record, those figures.

Mr. MERITT. I will insert that in the record.

Mr. ELSTON. You have no idea what that rental amounts to?

Mr. MERITT. It varies on the reservation, according to the location of the lands approximately \$2,000 was received for rents last year on this reservation.

Mr. RHODES. Is the department authorized under existing law to expend the income you have mentioned here from upkeep?

Mr. REED. I think so.

Mr. RHODES. Then, if that is so, is not the income sufficiently large to meet the upkeep charges and thereby relieve Congress of the necessity of appropriating an increased amount of money for that purpose?

Mr. REED. I should perhaps, correct my former statement. We use only that which is collected for the maintenance operations. Anything that is collected for the use of the lands has not been used on the ditches.

Mr. RHODES. Then, how far would the income that is capable of being applied to those purposes go toward meeting the upkeep expense on that project?

Mr. REED. It puts us on the pro rata share of the upkeep expense; our assessments are made on that basis.

Mr. RHODES. In making these estimates, did you take into account the application of that income to the maintenance charge, and do you want that in addition to the income expended for that purpose; would it be necessary to increase this appropriation?

Mr. REED. No, sir.

Mr. RHODES. Why ought not that to be the theory on which the application is made?

Mr. REED. The Indians have had this project for many years. Some of the old ditches were built by the Indians, and some of the expenditures date away back, and it has not been considered by the office that it was proper to tax the renter who has a limited lease for the permanent improvements that must be made as they were to be a part of the value of the land itself.

Mr. RHODES. My question does not go to the point of changing the policy; my question goes to the point of practicability. I want to know if the amount of income you derive is such that when applied to maintenance charge, it is absolutely necessary to have this additional appropriation?

Mr. REED. It would be; yes.

Mr. RHODES. Is it?

Mr. REED. I think so.

Mr. HAYDEN. Is there any reason why two things could not be done on that reservation: first, take out a part of the money that the Indians receive from the sale of their land, and apply it to a permanent improvement of their canal system. Why should not that be done?

Mr. REED. I think that could be done.

Mr. HAYDEN. If that was done, you would not have to come to Congress for that sum of money, whatever it might be. Second, in making up your operation of maintenance charge there, could you not do as is done under certain Government reclamation projects, as far as charging them water rental is concerned, make it at what the actual operation of maintenance expense is, plus interest on the investment, which would bring in some more money that could be applied toward a sinking fund, as Mr. Elston has suggested? It seems to me from what you have stated here this project ought to be self-supporting without coming to Congress for any appropriations at all, and that you could either get the money to make it self-supporting from the rentals paid to the Indians, or by an increase in the operation and maintenance charge.

Mr. REED. There could be an increase in maintenance operation charge. Where the project was opened in the past it has been operated by the Indians, and they have not increased its value very materially, but now that the white men are taking hold of it, if the

office should desire, that increased amount could be attached to the rentals.

Mr. HAYDEN. I do not know anything about the climatic conditions on the project, but \$1.50 a year less than the usual operation and maintenance charge, and I think the water users can stand a raise in the rate without hardship.

The CHAIRMAN. Mr. Rhodes, you have a resolution there. I wish you would read it to see if that would not apply to this item and items of this kind.

Mr. RHODES (reading) :

Provided, That no moneys appropriated under this item, reimbursable, shall be used for any purpose other than operation and maintenance until such time as the Secretary of the Interior shall prescribe rules and regulations for the payment of the per acre charge by all the users of water on the project, to apply on the reimbursement of the total amount expended.

The CHAIRMAN. How would that fit this case here?

Mr. REED. That might work a hardship for the reason that—

Mr. RHODES (interposing). I was going to offer it unless we saw a way by which these amounts could be held to the original limit.

Mr. MERITT. I will ask that we be allowed \$8,000 for this item, in view of the facts brought out. I can see that it is not good business to have an irrigation project where there are 4,129 acres cultivated by whites and only 1,729 acres cultivated by Indians, for us to come to Congress and ask for increased appropriations. We should place that burden on the white lessees of the project, and I shall not ask for more than \$8,000 for this project.

The CHAIRMAN. That is Pine River, reduced to \$8,000. The next items are as follows:

Irrigation district five: Southern Ute Reservation, Pine River project, \$21,000; San Juan Reservation, \$20,000; New Mexico Pueblos, \$15,000; Zuni Reservation, \$9,800; Navajo and Hopi, miscellaneous projects, including Tes-nos-pos, Moencopi Wash, Captain Tom Wash, and Red Lake, \$20,000; total, \$85,800.

Mr. HAYDEN. What is your San Juan item?

Mr. MERITT. It is \$20,000, the same amount as last year. For the New Mexico pueblos it is \$15,000; we had \$11,000 last year. We will try to get along with \$11,000.

The CHAIRMAN. That will make that item then \$11,000.

Mr. MERITT. Zuni Reservation, \$9,800. That is a decrease from \$18,200 carried in the bill last year. Navajo and Hopi, reservation projects, including Tes-nos-pos, Moencopi Wash, Captain Tom Wash, and Red Lake, \$20,000; we had \$18,200 last year. We will get along with the amount allowed last year.

Mr. ELSTON. Before we leave that item, are any of these additional projects you spoke of here used to irrigate leased lands on which whites are residing rather than Indians?

Mr. MERITT. On the San Juan Reservation, it is exclusively an Indian project.

Mr. ELSTON. How many acres of land are there, and how many Indians reside on this reservation?

Mr. MERITT. That is a small project. There are 5,000 acres under that project.

Mr. ELSTON. That \$20,000 is for completion of permanent improvements and also for operation?

Mr. MERITT. Yes, sir.

Mr. ELSTON. You say how many Indians reside on it?

Mr. MERITT. Nine hundred thirty-one.

Mr. ELSTON. Cover the other items there in the same way.

Mr. MERITT. To the San Juan there are 15 miles of main laterals and 23 miles of sublaterals. Indians benefited by irrigation, 930; acreage of irrigated lands cultivated by Indians unallotted, 5,000; school and agency, 320; total 5,320; value of products, \$130,795; number of Indians engaged, 930; acreage, 5,320.

Mr. HAYDEN. There are no white men in the New Mexico pueblos, the Zuni, Navajo, and Hopi Reservations?

Mr. MERITT. No, sir; that is an exclusively Indian project; there are no white people involved.

Mr. ELSTON. Do you make a pretty close supervision of their income, to ascertain whether you could adopt rules for a partial reimbursement immediately. For instance, take that \$130,000 of returns per year on the San Juan Reservation; that might be more than is necessary to afford subsistence and comfortable living to the 900 Indians there who are in family groups, I imagine. What would be your plan to get some kind of reimbursement immediately?

Mr. MERITT. Heretofore, we have merely required the Indians to pay for the water charges, and in only a few cases have we attempted to collect from Indians for reimbursement for the construction cost, for the reason that the Indians are just now getting started on these irrigable allotments, and we wanted to encourage them to the greatest extent possible, and under this proposed legislation in the bill it will be our policy to gradually require them to pay their share of the construction cost.

Mr. ELSTON. Might I ask you this question, Mr. Meritt: In a great many of these projects, are the lands held in fee by the Indians under the allotments?

Mr. MERITT. They hold trust patents to a large extent.

Mr. ELSTON. You would say none of them are held in fee?

Mr. MERITT. Some of them are held in fee on the northern projects but not on these southern or southwestern projects.

Mr. ELSTON. Where they are held in fee, do you permit any alienation of any kind or encumbrance to be put on the lands by the Indian until he has paid his proportion of all the reimbursable amounts that should be borne by his lands?

Mr. MERITT. No, sir. Where the Indian holds his patent in fee under an irrigation project, this construction charge is a lien on the land, and if he should sell that land, he would be required to reimburse the Government.

Mr. ELSTON. That is taken care of, is it?

Mr. MERITT. Yes, sir.

The CHAIRMAN. We will go ahead with the next item.

Mr. HAYDEN. Apparently, there are no further changes in the bill from last year until we get over to page 6, line 5, where you raise the salary of the assistant chief irrigation engineer from \$2,500 to \$3,000.

Mr. MERITT. We are asking for an increase of \$500. You will notice that the assistant chief engineer now gets the same amount as the superintendents of irrigation, and inasmuch as this assistant chief irrigation engineer is a very experienced and competent man, we thought it only proper that there should be a slight increase in salary.

Mr. ELSTON. What is this item:

For cooperative steam gauging with the United States Geological Survey, \$4,000.

Mr. MERITT. It should be stream gauging; that is a typographical error. We asked the Geological Survey to cooperate in stream gauging. They are better prepared to do that work than we are, and we cooperate with them in that work.

Mr. ELSTON. Is that on streams that serve Indian reservations?

Mr. MERITT. Yes, sir.

Mr. ELSTON. And that is going on at the present time; you keep a tab on that work, do you?

Mr. MERITT. Yes, sir; that has been going on a number of years.

Mr. ELSTON. What value do you get out of that?

Mr. MERITT. We get the flow of water and estimate how much is available for irrigation purposes.

Mr. ELSTON. Of course, in a great many cases, you have already served adequately a number of Indians, and so far as these projects are concerned, you have sufficient data. Now, is some of this data that you are getting merely of theoretical value for future reference, or is that necessary in the everyday work in your department?

Mr. MERITT. For instance, in Arizona, on the Gila, where the project is not completed, we have some appropriations which we are not using now, but it is very necessary to know what the flow of the river is in order to make our calculations.

Mr. ELSTON. How long has this item been in this bill?

Mr. MERITT. It has been there for some years, but it has been used in various parts of the country, not all on one, but we would obtain the data wherever necessary one year, or a series of years until it is no longer needed, and then when we move from that, abandon that when our project is completed, as you mentioned, we then go on to the next.

Mr. ELSTON. This \$4,000 represents more or less your proportion of the cost?

Mr. MERITT. That is all. We only pay a proportion of it.

Mr. REED. The Geological Survey put up more money often on our projects than we put up.

Mr. ELSTON. Here is an item, Mr. Chairman, page 5, line 24, which reads:

For necessary surveys and investigations to determine the feasibility and estimated cost of new projects and power and reservoir sites on Indian reservations in accordance with the provisions of section 13 of the act of June 25, 1910, \$10,000.

Do you feel that in view of what you have done it is necessary to go ahead and reach out for new projects?

Mr. REED. We are called upon every year by Members of Congress and organizations to make investigations of all those plans. Without funds we could not make them.

Mr. ELSTON. Are you called upon by the Indians themselves who would be the persons most concerned?

Mr. REED. Frequently; yes.

Mr. ELSTON. Have you any cases in mind just now where you are being called on for additional surveys?

Mr. REED. Yes; in California, in the Owens Valley we have with in two or three months had a request from the Indians to investigate certain water rights in that valley and maintenance, of course.

Mr. ELSTON. You know, Mr. Reed, that nearly all of that country is blanketed to Los Angeles and reserved, practically, for their use, and if developed by the Indians it would be regarded as an invasion of territory that the Government practically reserved for them alone. Would you go out in response to an invitation of that kind when your better judgment tells you it would result to no practical end?

Mr. REED. No; I only use that as an illustration. I have not sent anybody out.

Mr. ELSTON. What would you say to cutting that appropriation in two, so you could meet these requests by stating "We have no appropriation," and try it out for a year or two? If you do not have the appropriation you do not have to respond to projects, some weak, some strong, which would employ money all the time.

Mr. HAYDEN. How much did you spend out of that appropriation last year?

Mr. RHODES. What item of appropriation is that?

The CHAIRMAN. Page 5, line 24.

Mr. MERITT. We will try to get along without that appropriation. The CHAIRMAN. All right; that is eliminated.

Mr. HAYDEN. Do not get the notion that everything is done. I do not want the committee to get the idea that the West has been completely developed and that we can quit all new work.

Mr. ELSTON. I am speaking of the Indians.

Mr. HAYDEN. There will be in the West for a great many years to come many undeveloped resources, but if the bureau is deprived of the power to investigate they will never be developed. There ought to be in this bill, I will not say, \$10,000, but some authority on the part of the bureau where a legitimate request comes in, so that new projects may be looked into for development. I wanted to find out how much money the Indian Bureau used last year and if this amount is too high we can cut it down. Do you know how much was used last year?

Mr. REED. I will have to look that up.

The CHAIRMAN. The assistant commissioner says they will get along without that item this year.

Mr. MERITT. We would prefer to have a small amount. This appropriation can be materially reduced, because under present conditions we could not start any new irrigation projects. We should utilize the projects we have now without starting new ones. That is the business way of looking at it.

The CHAIRMAN. That is absolutely correct.

Mr. HAYDEN. I agree on that, but I do not want to take all authority out of the bill so when there does come in a legitimate demand for an investigation the Bureau can not act.

Mr. MERITT. We will take a cut on that down to \$2,000.

The CHAIRMAN. That will make the item \$2,000.

Mr. RHODES. In response to Mr. Hayden's thought, we know that as a matter of fact, at this particular time in our history, that progress is being halted in a great many lines of industry and in prac-

tically every line of human endeavor, even by people in planning their houses in this country to-day. I know a case where the Government appropriated money for the purchase of a site on which to build a public building in 1913. I have made inquiry why that building has not been erected. I have been told that during the war period Congress has not made these appropriations for the purpose of erecting buildings. I suppose that this is a time of all times in the history of this country when we would be justified in halting a little and slowing up.

Mr. HAYDEN. I thoroughly agree with everything you say, but I do not want this committee to get the idea we are abandoning the undertaking of new projects when the proper time comes. Of course, Congress will not properly undertake a new project unless it has been investigated.

Mr. RHODES. If Mr. Meritt says we can get along without this appropriation, I want to get along without it.

Mr. ELSTON. Of course, Mr. Rhodes, if he takes it out altogether it will be very difficult to get that item in again and he has already given expressions which urge the retention of the item if they ever expect to use it hereafter.

Mr. HAYDEN. His last suggestion is that the amount be made \$2,000.

The CHAIRMAN. Yes.

Mr. HAYDEN. We can do that. That is on page 6, line 3, reduce the item from \$10,000 to \$2,000.

The CHAIRMAN. The next item is the increase of the salary of this assistant chief irrigation engineer.

Mr. ELSTON. Before you get to that I would like to know with regard to these other items on page 5. Mr. Meritt has suggested the same amounts as last year. Now, of course, it is perfectly plain that by the use of the same amounts they are really getting less out of it, so it is really a reduction by reason of the high cost of labor and materials, and so forth. How is it there has been no selective increase or reduction in these items? It looks to me that we might reduce some of these somewhat in view of the fact that it is a sort of omnibus inclusion of the same amounts held last year, which argues very much for a selective rearrangement of these items.

The CHAIRMAN. I think that is a very good suggestion.

Mr. ELSTON. I might just say that as we go along that some of these decreases there from lines 12 to 23 on page 5 are reductions that would prompt the bureau to adopt some new plan.

The CHAIRMAN. I appreciate what you say, but it seemed to me this added to the law that we intended to put in would bring them to their senses promptly when they are called upon to pay before any more money is spent.

Mr. ELSTON. If they invoke that strictly, but I do not know about these items.

Mr. MERITT. This is largely for salaries and administrative expenses and therefore we can not very well change that.

The CHAIRMAN. What shall we do about this increase in salary? Is this man a competent man whom you wish to keep?

Mr. MERITT. He is a very competent man who has just returned from France.

The CHAIRMAN. What is his name?

Mr. MERITT. Mr. Charles R. Olberg.

The CHAIRMAN. Is he a technical engineer?

Mr. MERITT. Yes; he is a graduate, and has had 20 years' experience.

Mr. HAYDEN. I am personally acquainted with Mr. Olberg. There is no more competent irrigation engineer in the United States.

The CHAIRMAN. That brings us to the following item, on page 6, commencing with line 13:

"In all, for irrigation on Indian reservations, \$250,985, reimbursable as provided in the act of August 1, 1914 (Thirty-eight Statutes at Large, page 582): *Provided*, That that part of the provision of said act requiring reimbursement of all moneys theretofore expended for Indian irrigation work is hereby repealed."

Mr. HAYDEN. We all practically agree that we ought to do that.

Mr. MERITT. We have explained the reasons for that, also showing the amount involved.

The CHAIRMAN. Does that wording cover the repeal of these things all right?

Mr. RHODES. Who prepared this repealing clause that has just been read, Mr. Meritt?

Mr. MERITT. It was prepared by the Indian Office.

Mr. ELSTON. Of course, each project initiated prior to August 1, 1914, is a continuing thing, and as to the total amount of cost, really there has been no assessment, for it is a maintenance proposition which will be determined later and apportioned in amounts on a pro rata basis. Why should you, when that is to be generally apportioned later anyway, allot off and permit charges and costs which in most cases would be for the initial construction instead of carrying it forward and laying it on the land evenly for everybody.

The CHAIRMAN. The reason for that is this, that up to August 1, 1914, all of the appropriations made for these projects were made as gratuities, and were carried on the books of the Indian Office as gratuities, and on that date a law was put into effect which read:

All moneys theretofore and thereafter should become charges against the property, amounting to \$2,800,000, of appropriations that had been made and gratuities, charges against the property.

The committee, in its discussion in the hearings, decided that that was not good law; it was not fair to the Indians. The money could not be collected, since the property in many instances has passed from the Indian to the white man; that it was deemed advisable at this time to correct the records in the Indian Office and take from the property what appeared to be a charge, which was originally a gift. That is the reason for this language in here.

Mr. CARTER. Mr. Meritt, has any part of this money referred to here ever been reimbursed?

Mr. MERITT. No, sir.

Mr. CARTER. Has the department made an effort to have it reimbursed?

Mr. MERITT. I think not.

Mr. CARTER. Why has not the bureau made an effort to have that reimbursement made?

Mr. MERITT. Because these projects in a great many cases have not been completed, and we do not know the exact amount that will

be required to be reimbursed; and second, because these gratuity appropriations were made for Indians who are without funds, and they are not in a position to reimburse the Government at this time.

Mr. CARTER. Will they be in a position in the future to reimburse the Government?

Mr. MERITT. It is possible that they can make enough money on the land irrigated to eventually reimburse the Government.

Mr. CARTER. Would the bureau undertake to make that collection in case this language was not put in?

Mr. MERITT. If the Congress should not repeal the law it would be our duty to endeavor to recover this money.

Mr. ELSTON. Would there be any way by which you could remit it as to the Indians who were not able to pay and make a special enacting clause giving discretion to the Secretary of the Interior to remit that as to Indians not able and to charge the full cost back even prior to 1914 on lands that had passed out of the hands of the Indians into the hands of the whites?

Mr. MERITT. Of course, where the lands are no longer in the hands of the Indians, the white people will be required to pay the construction cost.

The CHAIRMAN. That is where the question of the legality of the act comes in.

Mr. ELSTON. Has not effort been made to charge that against the lands acquired by whites; have assessed charges prior to 1914 been challenged by the whites?

Mr. MERITT. Not within my knowledge.

Mr. ELSTON. I should imagine that under the deed which went to the whites from the Indians, which passed through your bureau and is in the nature of a contract, he had the right to take it or leave it, he might be charged with all the construction costs from the beginning. I do not know whether there was a clause in the deed which passes that to the whites.

Mr. HAYDEN. This is the legal question raised. Can we by law collect for a gift?

Mr. ELSTON. You can as against the transferee of the Indian if the condition was made when he bought it from the Indian that he should pay certain charges and costs. That is a contract obligation.

Mr. HAYDEN. The fact is that very little of this land has passed to white ownership. If it is legally right, is it morally right to compel the Indian to pay for a gift?

Mr. ELSTON. Was it intended for a gift?

The CHAIRMAN. It was appropriated as a gratuity.

Mr. HAYDEN. That is the reason why we thought that both legally and morally the attempt to make reimbursable sums of moneys appropriated as gratuities was wrong.

Mr. RHODES (interposing). In other words, this puts the act back where it originally was.

Mr. HAYDEN. Exactly.

Mr. RHODES. It would make reimbursable by law what in truth and fact was gratuitous prior to August 1, 1914; is that right?

Mr. MERITT. Yes, sir.

Mr. RHODES. With that understanding, I favor the language carried in this proposed bill.

The CHAIRMAN. I also do, because I take the principle of the thing as being this: That if some one gives me a check for \$1,000 for a present in July, 1900, and several years afterwards sends me a bill and says he made an error in giving me the check as a present and now attempted to collect it back from me, he would have a swell time to do it under the laws of this country. And I believe the Indian is entitled to the same consideration. Because some wise man, along about August 1, 1914, conceived the idea, because of the fact that they had the Indian in their control, they could turn a gratuity of nearly \$3,000,000 into an asset on the books of the Government, does not convince me that there was any justice or right or legality in the proposition.

Mr. ELSTON. Let me ask you this. This restrictive provision in the act of August 1, 1914, requiring payments of these moneys theretofore expended is very general. Were there any moneys expended theretofore under the provisions of special acts requiring special reimbursements, in which case this repeal would be a remission of any such reimbursements provided for in special acts.

Mr. MERITT. It was not intended that this provision should cover special acts.

Mr. ELSTON. It does because the provisions of the act of 1914 so far as you quote them here are simply that all moneys theretofore expended for irrigation projects on behalf of the Indians should be repaid. Some of these moneys they remit should be repaid because the special act requires them to be repaid.

The CHAIRMAN. We have that in detail in our hearings.

Mr. ELSTON. It may be that some of these prior to 1914 were reimbursable by express statutes or other acts.

Mr. HAYDEN. I think it would be perfectly feasible to add a further proviso to the effect that such repeal should not affect the reimbursable appropriations made through special acts.

Mr. ELSTON. You might use that same clause inserted before.

Mr. RHOADES. In other words, I understand that every dollar made reimbursable by the act of August 1, 1914, represented a gratuitous appropriation. Therefore, if so, it should be allowed to remain in the bill, so I think that fact ought to be determined first.

Mr. HAYDEN. Why not do as Mr. Meritt says:

Provided further, That the repeal hereby authorized shall not affect any funds authorized to be reimbursed by any special act of Congress wherein a particular or special fund is mentioned through which reimbursement shall be made.

Mr. MERITT. I think that would make it perfectly clear. I think it would be well for that item to go in.

Mr. RHOADES. This sum includes nothing but gratuitous appropriations.

Mr. HAYDEN. There is no question about the intent and I think we should perfect the text so there would be no doubt about it.

Mr. ELSTON. Is Mr. Meritt certain that there is a special act passed prior to August 1, 1914?

Mr. MERITT. There were some special acts, but this one applied generally. The proviso proposed to be inserted by Mr. Hayden is on page 6, line 18.

(Thereupon, at 12.30 o'clock p. m., the committee adjourned, to meet again at 10 o'clock a. m., Tuesday, December 9, 1919.)

COMMITTEE ON INDIAN AFFAIRS.

HOUSE OF REPRESENTATIVES,

Washington, D. C., December 9, 1919.

The committee met at 10 o'clock a. m., Hon. Homer P. Snyder (chairman) presiding.

The CHAIRMAN. The next item is on page 7, lines 3 to 15:

The Secretary of the Interior is hereby authorized, in his discretion, and under such rules and regulations as he may prescribe, to require the owners of irrigable land under any irrigation system heretofore or hereafter constructed for the benefit of Indians and to which water for irrigation purposes can be delivered to begin partial reimbursement of the irrigation charges, where reimbursement is required by law, at such times and in such amounts as he may deem best; all payments hereunder to be credited on a per acre basis in favor of the land in behalf of which such payments shall have been made and to be deducted from the total per acre charge assessable against said land when the amount of such total charge can be determined.

I have a suggestion to make with regard to that. This reads that "the Secretary of the Interior is hereby authorized, in his discretion, and under such rules and regulations as he may prescribe," etc. I propose that in line 3, after "hereby," we strike out "authorized" and put in the word "directed" and strike out the balance of line 3, all of line 4, and the first two words of line 5, so it will read:

The Secretary of the Interior is hereby directed to require the owners of irrigable lands under any irrigation system heretofore or hereafter constructed for the benefit of Indians and to which water for irrigation purposes can be delivered to begin partial reimbursement of the irrigation charges, where reimbursement is required by law, at such times and in such amounts as he may deem best; all payments hereunder to be credited on a per acre basis in favor of the land in behalf of which such payments shall have been made and to be deducted from the total per acre charge assessable against said land when the amount of such total charge can be determined.

That is what I want to put in, and I would like to hear what you think about it.

Mr. MERITT. That will be satisfactory to the Indian Bureau.

The CHAIRMAN. Does that seem all right to you, Mr. Hastings?

Mr. HASTINGS. Yes; I think so.

Mr. ELSTON. Referring back, I had a suggestion to make in regard to the amendment that was proposed on page 7 to the section relating to irrigation, lines 3 to 15. I suggest in line 15 that the words "can be determined" be changed to "shall have been determined."

Mr. HASTINGS. I suggest to stop at the word "land."

Mr. ELSTON. Say, "from the total acreage charge assessable against said land." I make that as a motion, that all the language after the word "land," in line 14, be eliminated, inasmuch as the additional clause is not necessary and it conveys an intimation that there is a possibility that the total charge might in some cases not be determinable.

The CHAIRMAN. If there is no objection, then, we will take up the next section of the bill, which the clerk will read.

SUPPRESSING LIQUOR TRAFFIC.

For the suppression of the traffic in intoxicating liquors among Indians, \$85 000.

Mr. MERITT. We offer for the record the following justification:

Suppressing liquor traffic among Indians.

Fiscal year ending June 30, 1920, amount appropriated-----	\$100,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	150,000.00
Amount expended-----	148,410.13
Unexpended balance-----	<u>1,589.87</u>
Analysis of expenditures:	
Salaries, wages, etc-----	68,862.30
Traveling expenses-----	71,524.03
Transportation of supplies-----	15.39
Telegraph and telephone service-----	125.09
Stationery, printing, schoolroom supplies-----	57.76
Equipment and miscellaneous material-----	2,432.90
Miscellaneous-----	142.30
Outstanding liabilities-----	5,250.36
Total-----	<u>148,410.13</u>

The purpose of this appropriation is to enable the Commissioner of Indian Affairs to prevent the traffic and sale of intoxicants to Indians of the United States during the fiscal year 1921, whom Congress has seen wise to protect from the nefarious traffic by enacting legislation from time to time for their benefit.

The appropriation asked for, as will be noted, is \$15,000 less than the amount authorized for the fiscal year 1920, and \$65,000 less than that authorized for 1919. These reductions have been made possible in view of the fact that a number of the States were added to the dry column during the past 18 months which aided materially in controlling the liquor situation. While it is expected that national prohibition, in the event it becomes effective, will still further aid our work of suppressing the liquor traffic among the Indians, it is not believed that its effect will be felt immediately since we will doubtless have to cope with the bootleggers until their sources of supply have become exhausted. The making of intoxicants by Indians, and the use of substitutes, extracts, etc., will also continue to be a problem which will have to be coped with in connection with the traffic by bootleggers. The Indian field service is a large territory and the work of the officers of the liquor suppression service is no small task. It is the purpose of the office to reduce the estimates for this work as fast as conditions will permit.

While Congress by the act of October 28, 1919, Public No. 66, appropriated \$2,000,000 for the suppression of the liquor traffic, under the general prohibition legislation, this money for the use of the Indian Service is necessary and should be appropriated.

This work among the Indians is often so closely related to administrative problems and action and often based on special laws or treaties applicable to certain Indians that it can not well be segregated from our general administration over these people. Our special service in connection with its work often ascertain and develop not only the violation of the liquor laws but fraud and other matter directly involving the Indians or the service which would be entirely lost sight of if this work were handled by some other branch of the Government.

The full amount requested, it is believed, will be required and should be allowed for the fiscal year 1921 in view of the large territory covered by our service, which will be expended as judiciously as possible in protecting the Indian from his greatest enemy which has done much to retard his civilization.

The CHAIRMAN. Will you state concisely what is the nature of the expenditure of this money, approximately the number of employees, and what kind of employees are they, and any other way in which the money is spent?

Mr. MERITT. We have about 78 employees engaged in this service at the present time. These men travel over the Indian reservations and prevent liquor from being shipped into the reservations, and prevent bootleggers from bringing liquor on the reservations to be sold to the Indians.

The CHAIRMAN. Have you any record of the number of cases that they handled?

Mr. MERITT. Yes, sir. The following table shows the work done under this activity:

Suppression of liquor traffic among Indians, fiscal year ended June 30, 1919.

States.	Paid deputies employed.	Cases pending July 1, 1918.	New cases, fiscal year 1919.	Disposition of cases.						Fined and imprisoned.					Seizure of liquors (gallons).				
				Convic- tions.	Dismis- sals.	Acqui- tals.	Died, escaped, or bonds forfeited.	Total cases dis- posed of.	Cases pending June 30, 1919.	Num- ber.	Fines.	Term (mos.).	Whis- ky.	Alco- hol.	Malt.	Wine.	Miscel- laneous.	Total.	
Total, 1919.....	60	3,657	1,516	985	1,015	69	166	2,135	3,038	985	\$125,329	2,017	10,272	172	7,614	14,522	1,344	33,924	
1918.....	51	3,079	2,100	993	451	48	30	1,522	3,657	993	120,007	2,774	8,655	343	12,709	13,293	1,564	36,564	
1917.....	46	2,369	2,371	956	568	86	51	1,661	3,079	956	94,643	3,163	5,086	492	7,571	3,486	1,997	18,632	
1916.....	29	2,159	3,778	906	410	64	29	1,409	2,369	906	88,762	2,603	5,907	511	9,973	3,956	1,192	21,539	
1915.....	38	1,621	2,187	3,808	317	73	22	1,649	2,159	1,196	102,067	3,662	2,468	186	15,558	3,987	2,223	21,122	
1914.....	58	1,365	1,705	3,070	884	94	17	1,893	1,621	893	103,304	3,629	6,207	430	14,419	257	9,584	30,947	
1913.....	58	1,004	2,058	553	114	17	9	1,693	1,365	551	80,291	1,699	7,214	472	17,181	826	487	26,180	
1912.....	67	1,004	2,058	553	114	17	9	1,693	1,365	551	80,291	1,699	7,214	472	17,181	826	487	26,180	
1911.....	184	846	1,480	2,326	257	32	21	1,322	1,004	2,923	267,627	3,005	6,537	513	23,314	477	621	31,462	
1910.....	143	596	1,717	1,468	265	34	380	1,547	1,766	2,685	280,463	3,260	18,495	1,470	7,773	2,506	5,300	35,544	
Arizona.....	1	67	15	20	12	12	32	19	50	20	1,125	27	49	96	145	77	77	145	
Arkansas.....	1	30	26	19	14	14	86	33	37	19	265	5	75	154	2	73	8	254	
California.....	3	45	74	69	14	2	1	86	33	69	3,840	125	183	123	27	73	8	131	
Colorado.....	2	9	14	3	1	1	4	4	19	3	410	3	123	1	2	73	8	131	
Florida.....	2	4	4	3	1	1	4	4	19	3	410	3	123	1	2	73	8	131	
I Idaho.....	2	84	25	109	5	12	1	19	90	5	950	37	30	30	98	3	30	30	
I Iowa.....	37	37	30	29	9	3	41	26	29	2	950	50	39	6	98	10,234	270	143	
K Kansas.....	1	26	9	35	11	1	1	21	11	11	1,125	9	39	31	590	2	11	2,737	
M Minnesota.....	11	430	343	773	227	12	12	386	387	135	18,900	361	1,197	8	2	2	2	74	
M Missouri.....	2	43	3	46	3	2	5	2	41	3	25	3	2,714	2	72	2	11	74	
M Montana.....	2	233	110	343	22	11	7	88	255	48	4,704	102	36	2	72	2	36	36	
N Nebraska.....	144	158	14	158	65	2	108	50	41	41	3,750	76	36	1	1	4,300	113	1	
N Nevada.....	53	46	99	41	21	7	4	73	26	41	4,300	113	1	1	1	4,300	113	1	
N New Mexico.....	2	172	48	220	58	76	5	7	74	58	6,225	178	90	74	6	225	178	90	
N New York.....	38	38	38	3	17	2	22	16	16	3	300	6	90	3	300	6	90	90	
N North Carolina.....	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	
N North Dakota.....	27	27	2	29	3	3	1	20	9	3	135	2	135	2	135	2	135	2	
O Oklahoma.....	23	1,539	521	2,060	326	337	19	700	1,360	326	57,935	578	5,433	123	6,823	4,210	849	17,438	
O Oregon.....	3	28	72	100	52	2	59	59	41	52	5,860	33	139	3	3	3	3	142	
P Pennsylvania.....	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	
S South Dakota.....	1	64	5	12	36	2	50	50	19	12	1,635	33	54	2	2	2	110	166	
T Tennessee.....	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	
T Texas.....	1	26	68	94	36	19	3	58	36	36	3,195	151	98	2	2	2	98	98	
U Utah.....	1	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	
W Washington.....	4	40	33	33	3	2	1	39	34	33	4,000	26	5	2	2	2,900	7	29	
W Wisconsin.....	1	436	51	537	100	29	5	134	403	29	2,900	74	29	29	29	2,900	7	29	
W Wyoming.....	1	13	7	20	7	7	1	16	4	9	800	28	1	1	1	1	1	1	

1 Includes 28 deaths and 14 escaped.

2 Includes fined but not sentenced, penitentiary sentences, and miscellaneous.

3 Includes 75 suspended.

4 Cases prosecuted.

The CHAIRMAN. What becomes of the fines?

Mr. MERITT. They go into the Treasury of the United States.

The CHAIRMAN. Then, this amount that we have appropriated here is really more than reimbursed?

Mr. MERITT. Yes, sir.

The CHAIRMAN. The amount collected is \$125,000, and we are asked to appropriate \$85,000? Naturally, as the efficiency of the service increases the fines should increase. Mr. Meritt, in view of the large appropriation to enforce the prohibition act, do you not think it would be reasonable, and would it not be agreeable to you, to reduce this amount to \$75,000?

Mr. MERITT. I think we can conduct this branch of our service with that amount, in view of the national prohibition act.

The CHAIRMAN. Then, if agreeable to the rest of the committee, the amount will be reduced to \$75,000. The clerk will read the next item, page 8, line 8:

RELIEVING DISTRESS, AND SO FORTH.

For the relief and care of destitute Indians not otherwise provided for, and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infection diseases, including transportation of patients to and from hospitals and sanatoria, \$400,000: *Provided*, That not to exceed \$45,000 of said amount may be expended in the construction and equipment of new hospitals at a unit cost of not exceeding \$15,000: *Provided further*, That this appropriation may be used also for general medical and surgical treatment of Indians, including the maintenance and operation of general hospitals, where no other funds are applicable or available for that purpose: *Provided further*, That out of the appropriation herein authorized there shall be available for the maintenance of the sanatoria and hospitals hereinafter named, and for incidental and all other expenses for their proper conduct and management, including pay of employees, repairs, equipment, and improvements, not to exceed the following amounts: Blackfeet Hospital, Montana, \$12,500; Carson Hospital, Nevada, \$10,000; Cheyenne and Arapahoe Hospital, Oklahoma, \$10,000; Choctaw and Chickasaw Hospital, Oklahoma, \$35,000; Fort Lapwai Sanatorium, Idaho, \$40,000; Laguna Sanatorium, New Mexico, \$17,000; Mescalero Hospital, New Mexico, \$10,000; Navajo Sanatorium, Arizona, \$10,000; Pima Hospital, Arizona, \$10,000; Phoenix Sanatorium, Arizona, \$40,000; Spokane Hospital, Washington, \$10,000; Sac and Fox Sanatorium, Iowa, \$25,000; Turtle Mountain Hospital, North Dakota, \$10,000; Winnebago Hospital, Nebraska, \$15,000; Crow Creek Hospital, South Dakota, \$10,000; Hoopa Valley Hospital, California, \$10,000; Jicarilla Hospital, New Mexico, \$10,000; Truxton Canyon camp hospital, Arizona, \$10,000; Indian Oasis Hospital, Arizona, \$10,000.

The CHAIRMAN. I note you ask for an increase of \$25,000 over the amount appropriated for last year. Of course, you have the justification for that?

Mr. MERITT. I offer for the record the following justification:

Relieving distress and prevention, etc., of disease among Indians.

Fiscal year ending June 30, 1920, amount appropriated	\$375,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated	350,000.00
Amount expended	343,528.23
Unexpended balance	6,471.77

Analysis of expenditures:

Salaries, wages, etc.....	\$126, 776. 50
Traveling expenses.....	14, 605. 51
Transportation of supplies.....	3, 390. 87
Telegraph and telephone service.....	324. 11
Stationery, printing, schoolroom supplies.....	737. 15
Subsistence supplies.....	61, 827. 48
Dry goods, clothing, etc.....	14, 924. 28
Forage.....	7, 640. 14
Fuel, lubricants, power and light service.....	19, 486. 29
Medical supplies, etc.....	10, 791. 49
Live stock.....	932. 95
Equipment and miscellaneous material.....	21, 748. 12
Construction of buildings.....	5, 800. 00
Repair of buildings.....	8, 795. 13
Special medical, hospital, and burial expenses.....	9, 192. 51
Miscellaneous.....	1, 770. 73
Outstanding liabilities.....	34, 784. 97
Total.....	343, 528. 23

Attending especially to health work among the Indians are many employees, including 1 medical supervisor, 1 assistant medical supervisor, 1 supervisor of hospitals, 6 special physicians for eye work, 6 traveling nurses, 7 dentists, 196 regular and contract physicians, and 88 regular and assistant nurses. One hundred and sixty-nine of these physicians and 58 nurses are paid from other appropriations. The salaries paid from this appropriation are:

1 medical supervisor.....	\$3, 000	3 assistants, at \$480.....	\$1, 440
1 assistant medical supervisor.....	2, 200	2 assistants, at \$420.....	840
1 supervisor of hospitals.....	1, 800	19 assistants, at \$300.....	5, 700
2 special physicians, at \$1,800.....	3, 600	4 assistants, at \$240.....	960
4 special physicians, at \$1,600.....	6, 400	5 laborers, at \$720.....	3, 600
7 dentists, at \$1,500.....	10, 500	1 laborer.....	660
1 physician.....	2, 000	1 laborer.....	620
2 physicians, at \$1,800.....	3, 600	9 laborers, at \$600.....	5, 400
2 physicians, at \$1,300.....	2, 600	3 laborers, at \$540.....	1, 620
3 physicians, at \$1,200.....	3, 600	6 laborers, at \$500.....	3, 000
2 physicians, at \$720.....	1, 440	2 laborers, at \$480.....	960
7 physicians, at \$700.....	4, 900	2 laborers, at \$420.....	840
4 physicians, at \$600.....	2, 400	1 laborer.....	300
1 physician.....	480	1 engineer.....	900
Do.....	469	2 engineers, at \$840.....	1, 680
Do.....	400	1 clerk.....	1, 400
Do.....	320	do.....	1, 000
Do.....	300	do.....	900
12 nurses, at \$840.....	10, 080	3 clerks, at \$600.....	1, 800
2 nurses, at \$780.....	1, 560	2 laundresses, at \$600.....	1, 200
6 nurses, at \$720.....	4, 960	1 laundress.....	540
1 nurse.....	4, 200	4 laundresses, at \$500.....	2, 000
2 nurses, at \$660.....	1, 080	1 laundress.....	440
8 nurses, at \$620.....	3, 500	do.....	380
7 cooks, at \$600.....	4, 320	do.....	360
2 cooks, at \$540.....	740	2 laundresses, at \$300.....	600
7 cooks, at \$500.....	1, 320	3 seamstresses, at \$600.....	1, 800
2 cooks, at \$480.....	960	1 seamstress.....	300
1 assistant cook.....	500	do.....	540
do.....	480	1 farmer.....	1, 000
do.....	300	1 carpenter.....	840
3 matrons, at \$720.....	2, 160	1 general mechanic.....	840
3 matrons, at \$600.....	1, 800	do.....	720
1 assistant matron.....	300	1 dairyman.....	450
1 housekeeper.....	620	1 gardener.....	360
2 housekeepers, at \$600.....	1, 200		
1 housekeeper.....	480		
2 assistants, at \$540.....	1, 080	Total.....	137, 639

This appropriation maintains 19 hospitals and sanatoria:

Name.	Capacity.	Appropriation.	Name.	Capacity.	Appropriation.
Blackfeet Hospital.....	24	\$12,500	Sac and Fox Sanatorium.....	80	\$25,000
Carson Sanatorium.....	20	10,000	Turtle Mountain Hospital.....	20	10,000
Cheyenne and Arapaho Hospital.....	20	10,000	Winnebago Hospital.....	50	15,000
Choctaw and Chickasaw Sanatorium.....	60	35,000	Crow Creek Hospital.....	12	10,000
Fort Lapwai Sanatorium.....	100	40,000	Hoopa Valley Hospital.....	25	10,000
Laguna Sanatorium.....	34	17,000	Jicarilla Hospital.....	25	10,000
Mescalero Hospital.....	20	10,000	Truxton Canon Camp Hospital.....	8	10,000
Navajo Sanatorium.....	20	10,000	Sells Hospital.....	20	10,000
Pima Hospital.....	60	10,000	Total.....	738	304,500
Phoenix Sanatorium.....	120	40,000			
Spokane Hospital.....	20	10,000			

The latest available information relating to vital statistics and disease among Indians indicates:

Cases of tuberculosis (estimated)	23,021
Cases of tuberculosis (active)	3,941
Cases of trachoma (estimated)	30,375
Cases of trachoma (active)	12,474
Births	5,461
Deaths	4,581

The Indian is yet a great sufferer from tuberculosis and finds much comfort and lengthened life to be gained from the sanatoria maintained by the Indian Bureau for that purpose in different sections of the country. Moreover, his old-time aversion to civilized medication and hospitalization is diminishing with each progressive year, resulting in increasing demands upon these institutions and draining deeper from their source of support, this appropriation. Nineteen hospitals and sanatoria are already maintained from this fund and are experiencing great difficulty in stretching their limited apportionment to cover expenses under the present increased system of high prices and diminished purchasing power of money.

During the year just passed the Spanish influenza epidemic worked as deep a havoc upon the Indians as it did upon the white race, leaving an even more disastrous train of harrowing sequellæ. Many Indians managed to cope successfully with the immediate disease itself, only to find themselves precipitated into the insidious power of their arch enemy, tuberculosis, manifested in some one of its various forms. These cases to-day are throwing heavier demands upon the sanatoria of the service as a final and far-reaching result of last year's epidemic.

Trachoma, another disease particularly inimical to the Indian, needs much attention, and is being handled regularly by the agency and school hospitals and especially by a corps of six special traveling physicians and nurses, who cover special assignment districts treating and operating upon diseases of the eye, ear, nose, and throat, with particular reference to trachoma and adenoids. This corps of workers is supported entirely from this appropriation, and, because of the prevailing increase in prices of articles needed in renewal of and augmented equipment, besides other incidental expenses, adds a large share to the burden carried by "relieving distress." The same is also true of the dental corps supported by this money.

It will be noticed for the past few years that the death rate has been successfully kept below the rate of Indian births. This is very

gratifying and has only been possible because of the effective health drives and health activities continually pushed into the Indian field during those years. It would indeed be sad to have to curtail this tremendously "worth-while" issue because of insufficient money to meet its increasing expenses.

The health campaigning against communicable diseases, now so urgently attracting the attention of the white world, must of necessity spread into the Indian field, both by the nature of progressive measures generally and by the complaints entered against the Indians by their white neighbors. This matter naturally calls for added expenses that must be met by this appropriation in order that the Indian Bureau may effect its share in this great world movement.

It is through this item also that there are provided the prophylactic inoculations against smallpox and typhoid fever and other communicable diseases. It also pays for antidiphtheretic serum and for other biological products used in modern treatment, and makes it possible for the bureau to have samples of water and food examined to determine whether they are safe for human use.

But aside from scientific measures, this item provides much relief that is purely and directly humanitarian. During the winter months many indigent but worthy Indians are provided with needed clothing and rations, and thereby kept from much suffering and possible starvation.

There is further need for increased appropriation to meet increased salaries in nurse positions. It has been found impossible to fill the vacancies in these positions at the low figures offered heretofore, therefore small increases on several positions have been made to the extent of \$3,000.

Indian Service.

In view of these increasing demands upon this appropriation and the tremendous importance of health work, the increase in the appropriation requested is absolutely necessary to the successful prosecution of the health work of the Indian Service.

The CHAIRMAN. I think we all understand the necessity for these activities, and inasmuch as this justification will go into the record, and it is quite long, if you will give us in your own way without reading this, the reason for the increase in the amount asked, I think that will cover our requirements in the way of justification.

Mr. MERITT. We ask for the small increase of \$25,000 for the support of these various hospitals in the Indian Service. This increase is made necessary because of the greatly increased cost of everything that goes toward maintaining these hospitals. We find it exceedingly difficult to carry on our work with the present appropriation.

The CHAIRMAN. Does this include any new hospitals?

Mr. MERITT. We have authority to build not to exceed three new hospitals, but because of the appropriation we have not found it possible during the last year to build any new hospitals out of this appropriation, and we found it very difficult indeed to keep the hospitals open during the entire year because of the influenza epidemic; we had very heavy calls for the relief of distress among Indians, and if it had not been for the cooperation of the Public Health Service we could not have met the conditions that arose on our various Indian reservations because of the influenza epidemic.

The CHAIRMAN. Are there any new projects contemplated in this appropriation?

Mr. MERITT. No, sir.

The CHAIRMAN. Where in the item do you incorporate this increase of \$25,000?

Mr. MERITT. That increase will come in relieving distress on the various Indian reservations, because of the influenza epidemic and other emergencies.

The CHAIRMAN. I note that in the paragraph you specify certain fixed amounts for certain hospitals. Of course, that does not include the total appropriation?

Mr. MERITT. That is only one part of the work we are doing.

The CHAIRMAN. In what one of the items in the paragraph would this \$25,000 be included?

Mr. MERITT. It would occur under the first part of the paragraph for the relief and care of destitute Indians, not otherwise provided for.

The CHAIRMAN. Don't you think since the "flu" is over, and the conditions are considerably better than they were last year, that you could comfortably get along if we gave you the same appropriation that you had last year?

Mr. MERITT. We would have great difficulty in keeping our hospitals going and meeting the situations now coming to our attention.

The CHAIRMAN. It does not seem possible that conditions could be anywhere near as bad as they were last year, unless we have some similar emergency coming up. I dislike to increase any item, but I would prefer to increase this one as with regard to any other item in the bill, and if you can get along with the amount you had last year, I am sure it would be very agreeable to me to change that to \$375,000.

Mr. RHODES. Has the influenza actually broken out so far this year?

Mr. MERITT. We have a few cases of influenza.

Mr. RHODES. So, as a matter of fact, you are making this request for the increased amount merely as a matter of precaution against what might arise, and not because of an actual condition that has arisen?

Mr. MERITT. That is true; we necessarily have to make our estimates nearly a year in advance.

Mr. RHODES. Then why would it not be well under present conditions to proceed on the theory that there will not be a repetition of the epidemic this year, and that in the event it should arise that the Public Health Service will be able to render emergency service to the extent that the situation might be cared for. I would rather take chances on that unless there is imminent danger and positive proof that the people on the reservations are going to suffer from the epidemic, in order to hold the appropriations down.

Mr. MERITT. We recognize the earnest desire of the committee to keep the appropriations down, and having brought this matter to the attention of the committee if it is the wish of the committee to reduce the amount to that of the old appropriation, we will try to get along.

The CHAIRMAN. Then, if it is agreeable to you, we will reduce that appropriation in the bill to the same amount as last year, \$375,000.

We will take up the next item, which the clerk will read, page 9, line 19.

SUPPORT OF INDIAN SCHOOLS.

For support of Indian day and industrial schools not otherwise provided for, and other educational and industrial purposes in connection therewith, \$1,600,000: *Provided*, That not to exceed \$40,000 of this amount may be used for the support and education of deaf and dumb or blind Indian children: *Provided further*, That not more than \$200,000 of the amount herein appropriated may

be expended for the tuition of Indian children enrolled in the public schools: *And provided further*, That no part of this appropriation shall be used for the support of Indian day and industrial schools where specific appropriation is made.

Mr. MERITT. We offer for the record the following justification:

Support of Indian schools.

Fiscal year ending June 30, 1920, amount appropriated-----	\$1, 750, 000. 00
Fiscal year ended June 30, 1919:	
Amount appropriated -----	1, 650, 000. 00
Amount expended-----	1, 573, 934. 00
Unexpended balance-----	76, 066. 00
Analysis of expenditures:	
Salaries, wages, etc-----	707, 736. 51
Traveling expenses-----	12, 521. 11
Transportation of supplies-----	42, 812. 38
Telegraph and telephone service-----	1, 454. 79
Stationery, printing, schoolroom supplies-----	40, 235. 45
Subsistence supplies-----	246, 122. 54
Dry goods, clothing, etc-----	153, 558. 32
Forage-----	43, 720. 35
Fuel, lubricants, power and light service-----	102, 101. 87
Medical supplies, etc-----	2, 438. 53
Live stock-----	5, 277. 47
Equipment and miscellaneous material-----	82, 062. 43
Tuition in public schools-----	18, 709. 96
Support and education of deaf, dumb, and blind-----	1, 082. 85
Miscellaneous-----	7, 216. 09
Outstanding liabilities-----	106, 883. 35
Total-----	1, 573, 934. 00

The amount requested, \$1,600,000, is \$150,000 less than the amount in the 1920 act. The fund is required for support and education of Indian children in all schools for which no specific appropriation is made or use of tribal funds authorized, including day schools and public schools where tuition is paid. Forty thousand dollars of this amount is requested for payment of expenses in connection with the education of deaf or blind Indian children. Defective children who are unfitted for attendance at schools for normal children are being placed in institutions suited to their needs as rapidly as accommodations can be found for them.

From reports for the school year 1919 it is found that there are, in all, 90,219 Indian children of school age, of whom 5,297 are ineligible for school attendance, leaving 84,922 to be provided for in Government, public, or private schools.

The following enrollment is shown: In Government boarding schools, 9,660; in nonreservation boarding schools, 10,852; in Government day schools, 5,813; making a total of 26,325 enrolled in Government schools.

There are also enrolled in private and mission schools 5,543, and in public schools 29,021, so far as information has been received. This makes a total of 60,889 Indian children in all schools of whatsoever character.

It should be noted that the foregoing data is not confined to schools supported from this fund, but refers to Indian children in all classes of schools.

Special emphasis has been laid during the year 1918 on enrollment of Indian children in public schools. A new ruling restricting eligibility for enrollment in Government schools has been approved, which states "where Indian children are entitled under State law to attend its public schools, it should be first ascertained whether there are good and sufficient reasons for their not attending before they are received in a Government school," and unless a superintendent has definite information and is satisfied that without Government assistance the pupil would be deprived of school privileges, he should not enroll said pupil in a Government school. This will result in a greatly increased enrollment of Indian children in public schools.

The \$200,000 asked for public school tuition is to secure attendance in public schools where the States do not recognize the right of the Indian to attend or the State authorities do not feel it incumbent on them to take active measures to secure such attendance, where compulsory attendance laws applicable to Indians do not exist, or especially where districts contain nontaxable Indian lands and the Indians do not contribute to the support of the district schools.

Many Indians whose children are not fitted to attend public schools, or for whom there are no public schools available near their home, are able to bear the whole or part of the expense of educating their children. In view of the need for conserving public funds, these Indians are now required to pay cost of transportation and tuition at Government schools.

Mr. Chairman, you will note that we are asking for \$150,000 less for this item than is carried in the present Indian appropriation act. This is because of the number of schools that have been closed during the last fiscal year and schools that are proposed to be closed.

The CHAIRMAN. Under the investigation it was disclosed that certain reservation boarding schools were to be eliminated, and I take it that this reduction in the appropriation was, at least to that extent, to cover these eliminations?

Mr. MERITT. Yes, sir.

The CHAIRMAN. I notice also in going through this list of reservation boarding schools that there are a great many small schools where the attendance is in most of them below 100. Many of them are around 50 to 60 pupils only. I notice that in many schools there is a large unfilled capacity, and in making a calculation here on this matter on the reservation boarding schools I find that you have a capacity of 10,511. The average attendance for 1919 was 7,493, an unused capacity of 3,018. Now, I have worked out a proposition here which embodies 16 schools, the total number of scholars in average attendance for these schools being 676. The capacity of the schools in which they attend is 1,586. I have made a calculation which embodies this suggestion, that if these 16 schools were closed and the children transferred to other schools, where there is ample capacity for them, there would still be a surplus capacity of 1,432.

I have wondered, since we have gone very deeply into the hearings in the investigation, and since it has been stated by Mr. Peairs, I think, that no boarding school could be economically and properly operated with less than 300 pupils, why it would not be proper to discontinue wholly a lot of these little schools that have from 16 to 57 pupils and distribute them in schools where they would get better service at about two-thirds the expense. I appreciate that this would be a radical move, but, nevertheless, in the interest of the service and in the interest of the pupils themselves, and notwithstanding the fact that the commissioner would not agree that my suggestion was anything more than sane, I am still persistent in the belief that we could make a great saving in the Indians' money and the public money, and give the Indian child much better service, and fit him when released from the service of these schools into the public service for much greater responsibilities. I would like to hear what you have to say to that suggestion.

Mr. MERITT. I do not recall the statement of Mr. Peairs that it would be uneconomical to conduct boarding schools with a capacity of less than 300.

The CHAIRMAN. I will put in just what Mr. Peairs did say, as follows:

Mr. HAYDEN. What number of pupils are necessary to maintain a satisfactory boarding school?

Mr. PEAIRS. My suggestion is that the tribal boarding school should not go beyond an enrollment of 300, and I think anything less than two or three hundred is too expensive.

That is his statement. There is the bold statement that less than 200 or 300 is too expensive. I have drawn up a proposed section to this bill referring to this question, both reservation and nonreservation schools, and I will read it to you.

Mr. MERITT. Mr. Chairman, it is my best judgment that Mr. Peairs did not weigh carefully that statement and the results that would naturally follow. Perhaps all of our reservation boarding schools have at this time an enrollment of less than 300, and if the suggestion of Mr. Peairs were carried out it would wipe out practically all the reservation boarding schools, and a large number of our nonreservation boarding schools.

The CHAIRMAN. I appreciate all that, and it is not far from my thought after the investigation that I made that it would be wise to discontinue quite a lot of them, looking into the expense, looking into the type of instructors they have in those small schools, and comparing them with the turn out from the larger schools, that it seems to me it would be well to consider that the distance that the child has to go from home into the boarding schools ought to be of secondary consideration, because, in my judgment, a child 200 miles away from home in the boarding school is really so far as the family and child are concerned, considering the Indian country, and the environment no further away than it would be if it was 100 miles away. Therefore, if we can reduce the number of schools, increase the advantage to the scholar, and reduce expense both to the Indian and the public, it is worth while considering. The idea I had in mind was something like this.

Mr. ELSTON. If your amendment is acceptable, why could not there be a ratable reduction from the appropriation right now?

The CHAIRMAN. It would automatically come in.

Mr. ELSTON. It would not affect the surface figures of the appropriation bill, and I think that is our main object, to cut that down.

The CHAIRMAN. I figured out the saving of the nonreservation schools, but I could not figure the saving on the reservation schools, because I did not have the appropriation made for those schools that I have in the schedule here. But it would save all the money except that which is actually spent for the support of the pupil in the larger school.

Mr. HASTINGS. How many schools would that provision affect?

The CHAIRMAN. It would affect 16 schools.

Mr. HASTINGS. Are the 16 schools boarding schools with an attendance under 60?

The CHAIRMAN. And there are 16 or 20 more with an attendance of 61, 62, or 63. The average runs about 70, if you will take the list. In all of the schools the attendance is 7,493, and there are 79 schools; so you can see what the average is.

Mr. HASTINGS. How many of these were reservation and how many were nonreservation schools?

The CHAIRMAN. I am referring wholly to reservation schools.

Mr. HASTINGS. How about the nonreservation schools?

The CHAIRMAN. I will take that up; I have a schedule on that, too.

My proposed resolution with regard to nonreservation schools is the same, with the insertion of non before reservation, as follows:

GENERAL SCHOOL PROVISION.

Provided, That all nonreservation schools, with an attendance of less than 100 pupils, be, and are hereby, ordered to be discontinued on and after the beginning of the fiscal year 1921. The pupils in such schools so discontinued shall be transferred, first, if possible, to Indian day schools or State or municipal schools; second, to adjacent reservation boarding schools to the limit of the capacities of said schools, and, after such limit is reached, to the nearest reservation school possessing the capacity to receive and care for said pupils so transferred: *Provided further*, That all moneys appropriated for any school eliminated by this provision or for other cause, shall be returned immediately to the Treasury of the United States.

Mr. HASTINGS. Why is it necessary to have that provision for the lapsing of the appropriation if this is not to be effective until the first of the next fiscal year?

The CHAIRMAN. We would not attempt to eliminate the schools until the end of this year.

Mr. HASTINGS. But you make some provisions for the funds to go back into the Treasury; that would go back any way.

The CHAIRMAN. At the beginning of the fiscal year. I thought this, that we might appropriate in this bill here in this general sum.

Mr. HASTINGS. You are referring, of course, to appropriations we are making here now?

The CHAIRMAN. Yes, sir; wholly. This, gentlemen, is one of the two big questions in this bill. One of them is the school proposition, and the other is reimbursable irrigation items; and this, of course, establishes, or at least proposes to establish, a new policy. In other words, it tends to the viewpoint that we should not maintain more schools than are necessary, and that is to my mind, from my study, what we are doing. For instance, they can explain any case to you, but we have a school, the first one on the list, Tohatchi, capacity 250, and average attendance of 16. Why should we keep a big organization of people there to operate a place like that? You have here at Fort Hall, Idaho, a school, capacity 200, and average attendance of 31.

Mr. MERITT. In the case of Tohatchi, that is a recently constructed plant.

The CHAIRMAN. There is an explanation for each one. There are 79 of those schools; the average attendance of all of them is less than 100, and something has got to be done to bring about two things, one of them a great reduction in the amount that is used for keeping a larger number of tutors and supervisors and attendants in schools where there are only a few scholars who could be picked up and could go 100 miles away from home to any school what has more than enough capacity. I am going to be very insistent upon this thing, whether that goes in the bill in this committee or not. I am going to try to put it in when we get on the floor, and I am going to explain to the membership this situation, not with the idea by any means of reducing the efficiency of the bureau or the instruction to

the Indian child, but quite the reverse of that. I think the schools have been stuck up here and there all over this country without regard to their real necessity, but more with regard to starting a little plant where there were a few children, and perhaps making an opportunity to add a few more people to the statutory pay roll, which has gotten up now to over 6,000. It seems to me that the time has come when we have got to call a halt on that sort of thing, and the only way, as I have said in the hearings before to eliminate is to eliminate, and that is the reason why I have dated this resolution at the beginning of the fiscal year 1921, which, as I understand it, is next July. I am offering this for discussion now. This might be liberalized to the extent of not confining it to these particular 16 schools. It might be that we could fix this so that we would say that 676 pupils should be taken from 16 schools that had an average attendance of approximately 60 and put them into schools as provided in the proposition instead of eliminating just the 16 that have a capacity below 60. In order to bring it forcefully to the attention of the committee and the attention of the House, I had to start somewhere.

Mr. MERITT. Might I see that resolution?

The CHAIRMAN. Yes; that is for the nonreservation schools. I read it into the record for the reservation schools, but the resolution is drawn to cover nonreservation schools. The situation with regard to nonreservation schools is not so glaring, but it is there just the same. You have listened to my dissertation, Mr. Elston, what do you think of it?

Mr. ELSTON. It presents to me a rather astonishing disclosure of facts. I can not understand how large school plants have been established for a very large capacity where only a very few children were attending. I agree with you thoroughly that the only way to consolidate and economize in these particulars is to do something drastic and compel readjustments.

The CHAIRMAN. Yes. You have a case in California—Fort Bidwell. You have a school there that is reasonably adjacent to Sherman Institute, and there is a capacity at Sherman Institute for twice the number of pupils who are attending the Fort Biddle School. It is all in one State, and we are maintaining two schools there where one of them could easily take all that are in the other school. I give that as an illustration; the Fort Bidwell School does not come in this.

Mr. MERITT. Fort Bidwell is a nonreservation school, located in the northern part of California.

The CHAIRMAN. That situation in there just the same. I am perfectly willing to leave this school appropriation where it is with the effort that I am going to make to put this in the bill with the idea that that will automatically reduce the appropriation if it shall become a law.

Mr. HASTINGS. For the benefit of those members of the committee who are not members of the subcommittee and who have not had the opportunity of giving a study to the matter that the chairman has had, I think the Indian Office ought to be requested to give some reasons why if they disagree with the chairman that these schools should be continued. I am frank to say that without some special reason for it that I should be inclined to agree with the chairman,

but the commissioner may have some reasons in some special cases where he thinks that that school ought to be continued, and ought not to be discontinued.

The CHAIRMAN. I am wholly in sympathy with that. I am not charging that this commissioner or any other commissioner installed these schools in this spot or that spot, but I find them there.

Mr. MERITT. We are in sympathy with the principle announced by the chairman of the committee, which was forcibly brought out in the recent investigation. There are some schools in the Indian Service that should be discontinued, and we have discontinued a number of schools during the last two years. However, the proviso suggested is somewhat far reaching, and I am wondering if it could not be made a little more conservative the first year, so as to bring about this change gradually without disrupting to a certain extent the Indian educational system. One reason why there has been a poor showing in connection with the attendance of Indian schools in recent years is because of the unusual conditions prevailing throughout the entire world. It has been difficult to maintain a corps of instructors and necessary employees during the World War.

The influenza epidemic brought about a very great decrease in the attendance of our Indian schools. The per capita amount allowed by Congress has made it almost impossible to conduct these schools up to the proper standard because of the unusual conditions and the very high cost of everything, and for that reason we would very greatly appreciate it if this proviso could be made less severe on these schools, at least for the next fiscal year. I would suggest an amendment to this proviso to make the number of pupils 50 in these schools.

The CHAIRMAN. If you make the number 50 that would take seven. I will compromise with you on 55, which would include two more. That would make a start.

Mr. MERITT. I will concede that it is not a good business proposition to run a boarding school an indefinite time with an enrollment of less than 50, and in order that we may start rather conservatively, I hope the chairman will allow the number to be 50.

The CHAIRMAN. The chairman will concede that with the understanding he will press the matter again when the next bill is made up for a further reduction, unless there is a considerably better showing in the average attendance for the present year.

Mr. MERITT. We believe that because of changed conditions, there will be a better showing during the next year.

Mr. HASTINGS. Mr. Meritt, I want to ask you if any of those reservation boarding schools referred to by the chairman were attended also by day people, and used as day schools?

Mr. MERITT. No, sir.

Mr. HASTINGS. They are exclusively boarding schools?

Mr. MERITT. Yes, sir.

Mr. HASTINGS. I believe that provision for 50 would be helpful to the Indian schools because I believe it will make the officers in charge more alert in seeing that the average attendance is kept up. I believe it will be helpful to the children in that way.

Mr. MERITT. I recognize that it will mean that the superintendents of those schools where they have allowed the enrollment to run down will immediately get busy, or get out of a job.

Mr. HASTINGS. You speak there of the possibility of restoring every one of those schools to a status that will take them out of the provisions of this amendment. I understand that this amendment applies to the schools according to the present status of the attendance and it will operate to abolish a certain number of schools, notwithstanding what the officials may do. I think that ought to be understood. That is the understanding I get from the reading of the amendment.

The CHAIRMAN. My understanding of the amendment is that on the 1st day of July next, or when the term has expired this year, if the average attendance is 50 or less that school is eliminated.

Mr. MERITT. That is in accordance with my understanding.

Mr. CARTER. Are any of these schools that you spoke of paid out of tribal funds?

Mr. MERITT. No, sir. That amendment would apply to this appropriation of \$1,600,000.

The CHAIRMAN. We will pass the section for the support of Indian schools with the understanding that the amendment referred to heretofore will be inserted at the end of the section.

The CHAIRMAN. If there are no further questions on the section, Support of Indian schools, we will take up the next item, page 10, line 8, which the clerk will read:

INDIAN SCHOOL AND AGENCY BUILDINGS.

For construction, lease, purchase, repair, and improvement of school and agency buildings, including the purchase of necessary lands and the installation, repair, and improvement of heating, lighting, power, and sewerage and water systems in connection therewith, \$335,000: *Provided*, That this appropriation shall be available for the payment of salaries and expenses of persons employed in the supervision of construction or repair work of roads and bridges and on school and agency buildings in the Indian Service: *Provided further*, That the Secretary of the Interior is authorized to allow employees in the Indian Service who are furnished quarters necessary heat and light for such quarters without charge, such heat and light to be paid for out of the fund chargeable with the cost of heating and lighting other buildings at the same place: *And provided further*, That the amount so expended for agency purposes shall not be included in the maximum amounts for compensation of employees prescribed by section 1, act of August 24, 1912.

Mr. MERITT. I offer for the record the following justification:

Indian school and agency buildings.

Fiscal year ending June 30, 1920, amount appropriated-----	\$335, 000. 00
Fiscal year ended June 30, 1919:	
Amount appropriated -----	350, 000. 00
Amount expended -----	333, 368. 42
Unexpended balance -----	16, 631. 58
Analysis of expenditures:	
Salaries, wages, etc.-----	12, 655. 11
Traveling expenses -----	7, 669. 07
Transportation of supplies-----	382. 05

Analysis of Expenditures—Continued.

Telegraph and telephone service-----	\$15. 10
Stationery, printing, schoolroom supplies-----	10. 25
Construction of buildings-----	58,089. 39
Repair of buildings-----	180,800. 34
Rent of buildings-----	17,988. 47
Land-----	12,000. 00
Miscellaneous-----	127. 30
Outstanding liabilities-----	43,631. 34
Total-----	333,368. 42

For construction, lease, purchase, repair, and improvement of school and agency buildings, including the purchase of necessary land, and the installation, repair, and improvement of heating, lighting, power, sewage and water systems, \$335,000 is requested. This is the appropriation which provides for the upkeep and repair of buildings at the great majority of jurisdictions and for new construction at those places. The value of the present buildings is approximately \$7,500,000. The amount requested, \$335,000, is slightly less than 4½ per cent of the present value of the plants.

With the present high cost of building materials and the high labor rates, the demands upon this fund are very heavy.

Buildings in the Indian school service receive unusually hard usage, and many of them are frame structures. Some being quite old, they require constant repair to keep them fit for use and to prevent deterioration. Some of these plants have never been completed; and new buildings to enable the use of the full capacity of other departments are required, as well as improvements in heating, lighting, water and sewer systems.

In addition to that, Mr. Chairman, I will say that during the last year we have done very little new construction. This appropriation has been used for the upkeep of the present plants, and it will require the full amount for that purpose during the next fiscal year.

The CHAIRMAN. What, if any, new construction have you in mind that you are expecting to make out of this appropriation?

Mr. MERITT. We have no new construction in mind at the present time. It is our purpose to use this appropriation for the maintenance of the present plants.

The CHAIRMAN. I do not think that the percentage is greatly too much. It affords 4½ per cent on the investment and in all manufacturing and business activities we depreciate at least 5 per cent per annum, and I think that is a reasonable charge for maintenance, upkeep, and for such new structures as you have to build to extend the plants here and there.

Mr. ELSTON. I would like to ask whether the whole of this appropriation was expended last year and how it was apportioned?

Mr. MERITT. We have only a small unexpended balance.

The CHAIRMAN. It is \$16,631.

Mr. ELSTON. Was there any extraordinary expenditure for any single items that will not occur next year?

Mr. MERITT. No, sir.

Mr. ELSTON. The expenditures of last year just covered the items you have mentioned?

Mr. MERITT. Yes, sir; and it was very largely upkeep of buildings. For construction of buildings we spent \$58,000 last year, and the other appropriations were for general purposes.

Mr. ELSTON. How much of the appropriation last year was apportioned to the payment of salaries and expenses of persons employed in the supervision of construction and repairs.

Mr. MERITT. For salaries and wages it was \$12,000.

Mr. ELSTON. That is very small.

The CHAIRMAN. As I understand it, the bulk of the repair of buildings was done with labor that would not be included with salaries and wages.

Mr. MERITT. Yes, sir.

The CHAIRMAN. That is done by Indian labor to some extent, and by carpenters, and painters, and plumbers, etc.

Mr. MERITT. That item also covers material used in the repair of buildings.

The CHAIRMAN. It includes the labor of erecting these repairs.

Mr. MERITT. Yes, sir.

The CHAIRMAN. You have here an item, construction of buildings, \$58,089.39. That would include the material as well as labor for construction?

Mr. MERITT. I think so.

The CHAIRMAN. And repair of buildings is \$180,800.34, so you did really construct new buildings to the extent of \$58,000 last year?

Mr. MERITT. Yes, sir.

Mr. CARTER. I notice you have outstanding liabilities of \$43,631.34, and you have only a balance of \$16,631.58.

The CHAIRMAN. You will notice, Mr. Carter, that is included in the amount expended.

Mr. CARTER. After that outstanding liability is expended, you still have \$16,000 on hand?

Mr. MERITT. Yes, sir.

Mr. CARTER. I notice in your analysis here that you have, rent of buildings, \$17,988.47. What buildings were those?

Mr. MERITT. We frequently are required to rent buildings in connection with the Indian Service operations.

Mr. CARTER. Can you give the committee any information as to where this specific amount was spent for rent of buildings?

Mr. MERITT. We frequently are required to rent buildings for employees where there are no Government houses. That occurs all over the Indian Service.

Mr. CARTER. Was this \$17,000 all spent for employees' buildings?

Mr. MERITT. Yes, sir.

Mr. CARTER. Can you tell me where that was spent; on what schools?

Mr. MERITT. I can not tell you offhand, but I will have an analysis of it made.

Mr. CARTER. I wish you would put it in the record, Mr. Meritt; an analysis of the expenditures under that item.

Mr. MERITT. The matter referred to is as follows:

Indian school and agency buildings, 1919.

School or agency.	Amount.	Purpose.
Bishop School	\$918.33	Rent of office and quarters, superintendent and financial clerk.
Bishop Agency	4.67	
Camp Verde School	300.00	Rent of school and quarters.
Cantonment Agency	216.50	Rent of office and residence for farmer.
Cantonment School	80.00	
Cheyenne and Arapahoe Agency	1,020.00	Rent of office and residence for farmer and field matron.
Colville Agency	436.50	
Fond du Lac Agency	296.30	
Grand Rapids Agency	961.75	Rent of superintendent quarters; office; farmer's and clerk's quarters.
Greenville Agency	252.42	
Hayward Agency	84.00	
Hayward School	100.00	
Kickapoo Agency	120.00	
Kiowa Agency	981.50	Quarters Government employees.
Kiowa School	300.00	
Laona Agency	1,350.00	Rent of office and quarters for employees and barn.
La Pointe Agency	961.15	Rent of warehouse and quarters for cruiser clerk, assistant clerk, and financial clerk.
Leech Lake Agency	170.42	
Mackinac Agency	538.00	Rent of office and quarters for forest guard.
Moapa River Agency	23.34	
Pawnee Agency	360.00	
Pueblo Agency	2,313.00	Office rent, rent of warehouse, barn, schoolrooms, and quarters for superintendent, day school inspector, clerk, teachers, physician, field matrons, farmers, and stockman.
Pueblo School	816.00	
Red Cliff Agency	564.00	Rent of day school, boathouse, and quarters for superintendent and stenographer, and office.
Red Cliff School	100.00	
Round Valley School	311.00	Rent of quarters, field matron, teacher, and housekeeper and day school.
Sac and Fox Iowa Agency	300.00	
Sac and Fox Iowa School	120.00	
Sac and Fox Oregon Agency	450.00	Rent of farmers' quarters.
Sac and Fox Oregon School	40.00	Do.
Sells School	100.00	Rent of day school.
Segar Agency	35.00	
Shawnee Agency	79.25	
Saboba Agency	150.00	Rent of physician's quarters.
Saboba School	75.00	
Springfield (Hope) School	120.00	Rent of laborers' quarters.
Utah Agency	180.00	
Winnabago School	252.00	
Yakima Agency	1,200.00	Rent of rest room and farmers' quarters.
Zuni Agency	180.00	
Mississippi Choctaws	362.64	
Seminoles, Florida	480.00	
Miscellaneous	285.00	
Total	17,988.47	

Mr. CARTER. What character of employees is that for?

Mr. MERITT. Employees of all character.

Mr. CARTER. I notice you spent \$12,000 for land. I assume that was not spent in one or two places. Can you tell the committee where that was spent?

Mr. MERITT. \$9,500 was expended for land at Pueblo Bonito, in New Mexico, and \$25,000 for the purchase of land at White Earth, Minn.

Mr. CARTER. For transportation of supplies you spent \$382.05. Tell us exactly what branch of transportation that covers.

Mr. MERITT. That may be hauling or building material from the railroad station to the place where the buildings are to be constructed.

Mr. CARTER. Could not that be taken from your general transportation item?

Mr. MERITT. It could.

Mr. CARTER. That is, if you had a sufficient amount?

Mr. MERITT. But that appropriation is more than exhausted every year.

Mr. CARTER. Are you authorized under the law to use here amounts for transportation when you have a general item in there for that?

Mr. MERITT. The auditor allowed us the use of the appropriation for that purpose when there is no other appropriation available.

Mr. CARTER. I notice there is an item for salaries and wages of \$12,655.11. What salaries and wages was that?

Mr. MERITT. We have men employed to supervise the buildings, and repair at schools and agencies.

Mr. CARTER. This item of traveling expenses of \$7,669.07—were their traveling expenses from school to school?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Are those persons drawing these salaries and wages in the classified list of statutory employees?

Mr. MERITT. They are not known as statutory employees; they are paid out of lump-sum appropriations.

The CHAIRMAN. They are on that list of 6,000 employees?

Mr. MERITT. Yes, sir.

The CHAIRMAN. And in making up that item Mr. Carter asked you about, referring to the rent of buildings. Will you state the nature or the kind of employees, whether they were school employees, or whether they were construction employees that the rents were paid for? You may put that into your statement.

Mr. MERITT. Yes; I will put that in the record. These quarters are practically all for school and agency employees.

The CHAIRMAN. We will pass that item as it stands. The clerk will read the next item, page 11, line 3.

INDIAN SCHOOL TRANSPORTATION.

For collection and transportation of pupils to and from Indian and public schools, and for placing school pupils, with the consent of their parents, under the care and control of white families qualified to give them moral, industrial, and educational training, \$72,000: *Provided*, That not exceeding \$5,000 of this sum may be used for obtaining remunerative employment for Indian youths and, when necessary, for payment of transportation and other expenses to their places of employment: *Provided further*, That where practicable the transportation and expenses of pupils shall be refunded and shall be returned to the appropriation from which paid. The provisions of this section shall also apply to native Indian pupils of school age under 21 years of age brought from Alaska.

Mr. MERITT. We offer for that the following justification:

Indian schools, transportation.

Fiscal year ending June 30, 1920: Amount appropriated-----	\$72,000. 00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	72,000. 00
Amount expended-----	65,873. 87
Unexpended balance -----	6,126. 13
Analysis of expenditures:	
Salaries, wages, etc.-----	1,437. 50
Traveling expenses-----	59,776. 42
Telegraph and telephone service-----	99. 76
Miscellaneous-----	109. 50
Outstanding liabilities-----	4,450. 69
Total -----	65,873. 87

This appropriation is used for the transportation of Indian pupils to and from Indian and public schools and a small percentage thereof for traveling expenses of escorts when necessary. Approximately \$5,000 is expended in obtaining remunerative employment for Indian youths and for payment of transportation to their places of employment. The amount requested, \$72,000, is the same as was appropriated for the fiscal year 1920.

From time to time it has been necessary to use some amounts of "Indian moneys, proceeds of labor" at certain schools to supplement this appropriation.

The present policy of enrolling Indian children in the nearest nonreservation school which offers the course of study which they require has materially assisted in conserving moneys used for railroad transportation of pupils. While it is true that some pupils are still enrolled in schools distant from their homes, yet these are largely cases where children have not completed their terms of enrollment and the expense of returning them when their period of enrollment has expired will be no greater than that of returning them now.

We have an unexpended balance of \$6,000 on last year's appropriation. We can reduce that amount, Mr. Chairman, to \$70,000.

The CHAIRMAN. Could you not reduce it to \$65,000. With the elimination of some of these schools, I suggest that if we carry that idea into existence to the extent that I hope for, would you not need less money for transportation?

Mr. MERITT. With the increased cost of transportation, I think it would be unsafe to reduce it to less than \$70,000.

The CHAIRMAN. I am perfectly willing to leave it at \$72,000, as I believe with the elimination of schools there will be more transportation rather than less, at least for this coming year.

Mr. ELSTON. What is done with the native Indian pupils in school from Alaska? Have you made use of that authorization?

Mr. MERITT. Yes, sir. We have a considerable number of pupils from Alaska enrolled at the Salem Indian School in Salem, Oreg.

Mr. ELSTON. Are there any facilities in Alaska itself for their education?

Mr. MERITT. Their facilities are very inadequate.

The CHAIRMAN. Then, Mr. Meritt, is it agreeable to you that we change that amount from \$72,000 to \$70,000?

Mr. MERITT. Yes, sir.

Mr. ELSTON. Do you find, Mr. Meritt, with regard to an appropriation of this kind, that you have got to take the more urgent cases, that you have more requests for aid under a section of this kind than you can comply with, or do you have to seek opportunities in order to expend the amount appropriated?

Mr. MERITT. We do not seek the opportunity to expend it; those opportunities are always presented to the office.

Mr. ELSTON. Do those opportunities just about equal the amount of the appropriation, or do you have an overplus or an under amount ordinarily?

Mr. MERITT. We have during the last year a saving on that appropriation. We spent \$6,000 less than Congress allowed.

Mr. ELSTON. Last year was a high-peak year for expense, and why should you not say that would be a normal reduction of the activity, which would represent the mark at which another appropriation should be set.

The CHAIRMAN. There is another reason also, and that is it is my understanding that it is the policy of the service now to have all pupils that can pay their own way do so.

Mr. ELSTON. Do you make an examination in each case to advise you as to whether or not you should exact the expenses from the parents?

Mr. MERITT. We have been doing that for several years in our schools; where the parents of the Indian children are able to pay the transportation we insist upon them paying the transportation.

Mr. ELSTON. Have you any summary to show how much you have collected in that way?

Mr. MERITT. We would not keep a record of that because it would not go on our books. The parents would simply pay the transportation of the child. That has been the policy of the Indian Bureau for a number of years.

The CHAIRMAN. Could you state this, following that policy to the extent that you do, whether you find that the number of pupils that are able to pay is increasing or decreasing?

Mr. MERITT. The number is gradually increasing.

Mr. ELSTON. How much of an unexpended balance did you carry over from the last year to supplement last year's appropriation?

Mr. MERITT. We did not supplement any unexpended balance. The unexpended balance would not be available for last year.

Mr. ELSTON. This \$6,000 you have now is not available for use after July 1 of this year?

Mr. MERITT. No, sir.

Mr. ELSTON. Do you expect to use that after July 1?

Mr. MERITT. No, sir; this unexpended balance is of the appropriation for the fiscal year 1919.

Mr. ELSTON. That has to go back into the Treasury?

Mr. MERITT. It has to go back to the Treasury.

The CHAIRMAN. The figures we deal with all the time are one year back.

Mr. CARTER. That is, the completed figures are. Let me ask Mr. Meritt a question. Do you ever find any difficulty in getting parents who are able to pay their children's way to school to pay it?

Mr. MERITT. They endeavor to get the Government to pay it.

Mr. CARTER. Do you ever find that some parents are so reluctant to sending their children to school that even though able to pay they refuse to pay?

Mr. MERITT. That is sometimes the case.

Mr. CARTER. Do you not find quite a great deal of that among the Indians?

Mr. MERITT. It is getting to be less as the years go by.

Mr. CARTER. You have had in the past a great deal of difficulty in getting parents to pay their children's way to school where they are able to do it?

Mr. MERITT. That is true.

Mr. CARTER. You still have some of that difficulty?

Mr. MERITT. Yes, sir.

The CHAIRMAN. As a matter of general policy, since we have fixed the policy with regard to reservation schools, I have a similar section that I want to put in with regard to nonreservation schools, and I want to ask what part of this bill that ought to go in as being general legislation with reference to the nonreservation schools.

Mr. MERITT. I should think that would be proper to go in under the head of "miscellaneous items," the last item before you enter the States of Arizona and New Mexico.

Mr. RHODES. You stated that parents are reluctant to avail themselves of the opportunity of sending their children to school, so much so that they decline to take advantage of the opportunity even though the expenses are paid by the Government.

Mr. MERITT. That was formerly the case, but it is not so in recent years.

Mr. RHODES. Do you find any inclination on the part of parents who are well able to pay those expenses, but rather seek to avoid it and have the Government pay those expenses?

Mr. MERITT. Yes, sir; that is the case.

Mr. RHODES. In what way can you meet that situation?

Mr. MERITT. We are meeting it now by instructing superintendents to eliminate from the Government schools children of half blood or less, and where they have a greater degree of blood than that and the parents are amply able to pay we require the parents to pay their transportation, and in some cases their tuition.

Mr. RHODES. Are they authorized to see that this expense is met by the parents in cases where they are able to pay it?

Mr. MERITT. Yes, sir.

Mr. CARTER. Let me say this, Mr. Rhodes, which you will see in a moment. The Indian Bureau, of course, feels it its duty, and I assume that it is, to make every effort to get Indian children into school. In pursuance of that policy, when they find a fellow who has funds to send his child to school and refuses to give his funds for the transportation of that child I do not think the Bureau has any way in the world to enforce collection of it; so I take it, Mr. Meritt, that it is largely a matter of persuasion, is it not?

Mr. MERITT. Very largely.

Mr. CARTER. Where you can you persuade the parent that he ought to take the responsibility of paying his child's transportation, at least, to school, when the Government furnishes everything after he gets there, and if you can not persuade the parent to do that you are at your rope's end, and you try to get the child to go, anyway.

Mr. MERITT. We feel it is our duty to get the Indian child to school and use every pressure possible to require the parent to pay the transportation where he is able to do so.

Mr. RHODES. He would be subject to the compulsory-attendance law.

Mr. MERITT. We can compel Indian children to attend Government schools within the State within which they reside, but we have no authority to transport the child out of the State in which it lives to another Indian school.

Mr. RHODES. Is that law being enforced quite generally?

Mr. MERITT. We are using our influence with the parents and with the children to get them into school.

The CHAIRMAN. Will you state the reason for that law? Why can not we fix the law so that children can be taken from one State to another?

Mr. MERITT. We would be glad to have legislative authority of that character?

The CHAIRMAN. Can we create such legislation in Congress?

Mr. MERITT. I think so, and if agreeable I will see that the proper item is provided for the committee.

The CHAIRMAN. Would that not be by all means the right thing to do?

Mr. MERITT. I think that legislation of that character should be on the statute books.

The CHAIRMAN. Is it agreeable to the committee that Mr. Meritt prepare legislation of that kind?

Mr. RHODES. It is to me, because the first impression I had of the whole matter was that if we had no legislative authority such authority should be created, as I know it is the policy of the educational departments of all the States of the Union, so far as I know, to enforce a compulsory educational attendance laws.

Mr. CARTER. Applicable to all?

Mr. RHODES. Yes, everybody. I see no reason why such a law should not apply in these cases.

Mr. CARTER. We would have to be careful in drafting that provision not to bring it into conflict with the State laws, especially where those children are citizens of the United States and citizens of the State.

The CHAIRMAN. What I have in mind is to carry into effect the proposition we have put in here when we have to move children from one section to another. If it is necessary to move them from one State to another, I would like the bureau to have the authority to do that in this bill without regard to forcing children into Indian schools reflected in that item at all. The question of forcing children to go to school is another question entirely.

Mr. CARTER. Give the bureau arbitrary power to send from one State to another.

The CHAIRMAN. Yes. Do you understand it that way, Mr. Meritt?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Then we will ask you to prepare for this bill such legislation as is required to do that.

Mr. MERITT. In order to have in the record at this time the law now applicable, I will read it for the information of the committee.

The act of March 2, 1880, provides as follows:

That hereafter no Indian child shall be sent from any Indian reservation to a school beyond the State or Territory in which said reservation is situated, without the voluntary consent of the father or mother of such child, if either of them are living, and if neither of them are living, without the voluntary consent of the next of kin of such child. Such consent shall be made before the agent of the reservation, and he shall send to the Commissioner of Indian Affairs his certificate that such consent has been voluntarily given before such child shall be removed from such reservation. And it shall be unlawful for any Indian agent or other employee of the Government to induce, or seek to induce, by withholding rations or by other improper means, the parents or next of kin of any Indian to consent to the removal of any Indian child beyond the limits of any reservation. (28 Stat. L., 906.)

And there is another provision in the Indian appropriation act approved June 10, 1896, which reads as follows:

Provided, That hereafter no Indian child shall be taken from any school in any State or Territory to a school in any other State against its will or without the written consent of its parents. (29 Stat. L., 348.)

Mr. CARTER. Have you any more recent legislation than that?

Mr. MERITT. No, sir.

Mr. HASTINGS. I call your attention to the fact that those provisions do not provide for compulsory attendance within a State; both of those provisions provide that you can not take a pupil from one State to another. I thought from your discussion that the authorities could now compel the attendance of a pupil within a State. Neither of those provisions do that.

Mr. MERITT. We have that authority, however, and have exercised it.

Mr. HASTINGS. I would like to have that authority put in the record.

Mr. MERITT. I do not think there is any specific legislation on the subject, but in view of the fact that Congress has legislated against exercising authority to take them from one State to another, under our general authority over Indian matters, we have exercised the authority to compel them to attend within a State.

Mr. HASTINGS. I do not believe these two provisions would give that authority.

Mr. RHODES. Now, you are getting back to what I had in mind. In the light of your explanation, it would appear that is the practice but not the law.

Mr. MERITT. Under the existing law, the Commissioner of Indian Affairs has authority over all Indian matters and Indian affairs, and that statutory authority is very broad, and we exercised it for the benefit and the advancement of the Indians; and we would have exercised the authority to require them to go from one State to another, and we were exercising that authority until Congress enacted this specific legislation, which limited the general authority of the Commissioner of Indian affairs.

The CHAIRMAN. In the hearings, serial No. 15, page 32, I find the following in the testimony of the Commissioner of Indian Affairs:

Mr. REBER. You stated that there was no law by which you could compel an Indian to go from one State to another to attend school. Now, are there laws or is there a law by which you can compel him to attend a school in his own State

Mr. SELLS. No, sir.

The CHAIRMAN. Well, is there any law which prevents him, on request, from going from one State to another?

Mr. SELLS. No, sir; on his own request—voluntarily.

The CHAIRMAN. On his own request, if he is willing to go from one State to another?

Mr. SELLS. Exactly.

Mr. MERITT. The commissioner did not have in mind at that time the legislation that I have pointed out here.

The CHAIRMAN. Then, as I understand it, you are preparing legislation that will give you the right to transfer scholars from one State to another?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Then we will take up the next item, on page 12.

Mr. MERITT. Before we take up the next item, I wish to call the attention of the committee to that proposed draft of legislation that I referred to a few minutes ago, which reads as follows:

Provided further, That no part of this appropriation—

Referring to the general school appropriation—

or any other appropriation provided for herein, except appropriations made pursuant to treaties or out of Indian tribal funds, shall be used to educate

children of one-half Indian blood or less, whose parents are citizens of the United States and of the State wherein they live, and where there are adequate free school facilities provided and the facilities of the Indian schools are needed for pupils of more than one-half Indian blood.

That is in the hearings, Serial No. 17, page 36. The present law on that subject reads as follows:

That no part of this appropriation, or any other appropriation provided for herein, except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and of the State wherein they live and where there are adequate free school facilities provided and the facilities of Indian schools are needed for pupils of more than one-fourth Indian blood.

In this proposed legislation we are simply raising the degree of blood from one-fourth to one-half, so as to conform to the declaration of policy of the Commissioner of Indian Affairs and the Secretary of the Interior.

The CHAIRMAN. Well, is that proposed legislation in this bill now?

Mr. MERITT. No, sir; it is suggested that it go in in connection with the item for the support of Indian schools.

The CHAIRMAN. Well, if there is no objection, it will go in the bill at that point.

Mr. MERITT. After the word "made," in line 7, page 10, as a proviso.

The CHAIRMAN. Is there anything further under that item?

Mr. MERITT. That is all.

Mr. RHODES. Referring back to this proposed legislation relative to taking Indian pupils from one State to another, I believe you have cited a provision in the act of 1880, and one from the act of 1896; and you have stated that prior to that time, under the general authority given the Commissioner of Indian Affairs, you were taking pupils from one State to another. If that be true, and if you had no other authority, then why would not a provision repealing the acts of 1880 and 1896 be sufficient? That would leave you with the authority which you had prior to that time, and which you exercised.

Mr. ELSTON. I was just going to make that observation; from what I have read and from your quoting of the law, there was an implication in the law that the Commissioner of Indian Affairs had the right to make those transfers, except for the prohibition contained in the law itself; is that right?

Mr. RHODES. Yes.

Mr. CARTER. Here is what occurs to me, and I think Mr. Elston will agree with me: There was a great movement of pupils from one part of the country to another; from California, Arizona, Montana, and other States, pupils came to the Carlisle and Hampton schools, and a great amount of money was paid out for transportation; and pupils from Oklahoma were sent to California and to the State of Washington; and Congress, I think, took the view that that was an unnecessary expenditure of money, especially where there were schools in the States where they came from. They sent pupils from Oklahoma and other States, for instance, to Washington; and as I remember the discussion in Congress, that was responsible for the enactment of those statutes.

Mr. ELSTON. Well, Mr. Meritt might take that into consideration in drawing that amendment that he refers to.

Mr. Chairman, I have to go now, and before I go I want to call attention to one thing, after the consideration of this per capita cost—

The CHAIRMAN (interposing). Can you not wait until we take up the next item?

Mr. ELSTON. No; I have to go. But I just want to suggest before I go, that I do not see any change in this section to conform to what I thought was an agreement that the work that the Government should undertake with regard to these forest properties of the Indians—that the expense of such work should at least be borne by that large property, approximating over \$75,000,000 in value.

Mr. MERITT. I have kept faith with the committee. I have included that item in the Indian bill.

Mr. ELSTON. Where is it?

Mr. MERITT. On page 22, beginning with line 23.

Mr. CARTER. I would like to say that that expense, so far as our Five Civilized Tribes are concerned, has always been borne from the tribal funds, has it not?

Mr. MERITT. Yes. The item proposed reads as follows:

That hereafter in the sale of all Indian allotments, or in leases, or assignment of leases, covering tribal or allotted lands for mineral, farming, grazing, business, or other purposes, or in the sale of timber thereon, the Secretary of the Interior be, and he is hereby, authorized, in his discretion and under such regulations as he may prescribe, to charge a reasonable fee for the work incident to the sale, leasing, or assigning of such lands, or in the sale of the timber, to be paid by vendees, lessees, or assignees, the amounts collected to be used for defraying, in whole or part, the administrative expenses of the Indian field service of the particular reservation where such lands, or the timber thereon, are sold, leased, or assigned.

Mr. ELSTON. With regard to the forest lands, the intent of this amendment is to charge only where a sale of the products of the forest is made, or where a lease or assignment is made of the land itself on which the forest is growing; is that not so? There is no provision in this amendment for making the forest property itself bear the general administrative expenses involved in the general care of that forest, such as patrolling, surveying, fire protection, etc.

Mr. MERITT. We would be willing that that should be broadened so as to cover that feature.

Mr. ELSTON. This amendment, Mr. Meritt, is very inclusive, and is intended to cover all of the matters under this section—

Mr. MERITT. Yes, sir.

Mr. ELSTON (continuing). With regard to charging against the Indian, or the Indian property, the expense of the work undertaken by the Government where the property involved is capable of bearing that expense; is that true?

Mr. MERITT. Yes, sir.

Mr. ELSTON. Now, when we get to that amendment, we can see how inclusive it is or how restrictive it is, and make any suggestions we desire.

The CHAIRMAN. Have you in mind a suggestion that you desire to add to this section to bring it down to the final equation of the question?

Mr. MERITT. I think if you add, after the word "timber," in line 5, page 23, "or the administration of Indian forests."

Mr. ELSTON. Well, we might put that tentatively down and we will consider it when we come to it.

The CHAIRMAN. Yes; that will come later, when we get to that item; this is just tentative, because we are getting beyond where we were in the bill.

Mr. ELSTON. Of course, Mr. Chairman, there was a great deal said about the omnibus character of this particular section; that whereas it purported to cover timber and industrial work, it was a very inclusive catch-all section, to cover a great many odds and ends; and that is disclosed, of course, in the language of the section. I know there was some discussion with regard to the value of the experimental work undertaken by the Indian Bureau to test out Indian lands where such work is being undertaken, in some cases, by the Agricultural Department, in the same vicinities; and I believe that we might very well have Mr. Meritt give us his ideas as to whether some of the work that is covered by this section, on page 12, that is undertaken at the same time by the Agricultural Department, in the way of experiment or supervision, can not be eliminated from this section. I feel that we can very well go into this section and see whether we can not cut it down along the lines of eliminating experimental agricultural work and some of this supervision work that might very well be undertaken by the Agricultural Department.

The CHAIRMAN. You are speaking now of the item, "Industrial work and care of timber"?

Mr. ELSTON. Yes. Those are just general observations. I am not more advised about the situation than any other member of the committee; but those things are in my mind; and inasmuch as I have to go now I thought I would suggest them.

The CHAIRMAN. We will read the item; it is on page 12, beginning with line 13:

INDUSTRIAL WORK AND CARE OF TIMBER.

For the purposes of preserving living and growing timber on Indian reservations and allotments, and to educate Indians in the proper care of forests; for the employment of suitable persons as matrons to teach Indian women and girls housekeeping and other household duties, for necessary traveling expenses of such matrons, and for furnishing necessary equipments and supplies and renting quarters for them where necessary; for the conducting of experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, cotton, and fruits, and for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; for necessary traveling expenses of such farmers and stockmen and for furnishing necessary equipment and supplies for them; and for superintending and directing farming and stock raising among Indians, \$475,000, of which sum not less than \$75,000 shall be used for the employment of field matrons: *Provided*, That the foregoing shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin: *Provided further*, That not to exceed \$25,000 of the amount herein appropriated may be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, cotton, grain, vegetables, and fruits: *Provided, also*, That the amounts paid to matrons, foresters, farmers, physicians, nurses, and other hospital employees, and stockmen provided for in this act shall not be included within the limitations on salaries and compensation of employees contained in the act of August 24, 1912.

Mr. MERITT. I offer for the record the following justification in support of this item:

Industrial work and care of timber.

Fiscal year ending June 30, 1920: Amount appropriated-----	\$475,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	475,000.00
Amount expended-----	426,224.43
Unexpended balance-----	48,775.57
Analysis of expenditures:	
Salaries, wages, etc-----	315,466.70
Traveling expenses-----	18,485.06
Transportation of supplies-----	520.75
Telegraph and telephone service-----	352.15
Stationery, printing, schoolroom supplies-----	552.54
Subsistence supplies-----	1,797.49
Dry goods, clothing, etc-----	1,791.78
Forage-----	27,762.19
Fuel lubricants, power and light service-----	10,176.37
Medical supplies, etc-----	118.78
Live stock-----	2,490.00
Equipment and miscellaneous material-----	17,306.23
Construction of buildings-----	2,018.61
Repair of buildings-----	78.00
Rent of buildings-----	3,724.90
Miscellaneous-----	889.84
Outstanding liabilities-----	22,693.04
Total-----	426,224.43
Expended on account of agriculture and stock-----	244,753.24
Expended on account of field matrons-----	66,686.32
Expended on account of forestry-----	99,036.72
Expended on account of experimentation-----	15,748.15

This appropriation is known as "Industrial Work and Care of Timber" and is apportioned under four general headings, descriptive of the different activities involved, viz.: (1) Agriculture and stock, (2) experimentation, (3) field matrons, and (4) forestry. For the sake of clearness, each of the four sections of this appropriation is justified separately.

AGRICULTURE AND STOCK.

"For the employment of practical farmers and stockmen in addition to the agency and school farmers now employed; for necessary traveling expenses of such farmers and stockmen and for furnishing necessary equipment and supplies for them, and for superintending and directing farming and stock raising among Indians."

The greater portion of this part of the appropriation is necessarily expended for salaries, equipment, and traveling expenses of farmers and stockmen who work among the Indians on the different reservations, directing and supervising their farm, live stock, and other industrial activities. On the larger reservations where more than one farmer is employed it is customary to divide the reservation into districts and station a farmer permanently in each, usually in Government quarters, and to provide him with transportation facilities, so that he can travel about among the Indians in his district, thereby keeping in close touch with their industrial activities. Each farmer is expected to be personally acquainted with every Indian family in his district and thoroughly familiar with their industrial condition, needs, and resources, so as to be in a position to help them to get the best results from their efforts toward self-support. It is the duty of the farmer to instruct the Indians as to proper methods of preparing the soil, planting, caring for, and harvesting their crops; the use of modern agricultural machinery; the building and equipment of their homes, and, in general, to advise them in all phases of their industrial activities, with the view of promoting their civilization and self-support.

The item also provides for "necessary equipment and supplies" for farmers and stockmen paid from this appropriation. This includes transportation equipment (such as teams, buggies, and automobiles), harness, forage, etc. With the present high prices of grain and forage of all kinds the cost thereof has been greatly increased over previous years, thus requiring the expenditure of a much larger sum from this appropriation for such purposes.

One hundred and seventy-five farmers are paid from this appropriation and 54 farmers from other available funds, or a total of 229 farmers for an Indian population of approximately 309,755.

Many of the reservations are better adapted for the live-stock industry than to farming. From the latest available figures the Indians of the United States, under Federal supervision, own individually \$35,302,877 worth of live stock, in addition to tribal stock held in common, valued at approximately \$2,965,889. At the present time 41 stockmen are paid from this appropriation and 33 from other funds, or a total of 74 stockmen to supervise the individual and tribal live-stock interests of the Indians of the United States.

Farmers and stockmen paid from industrial work and care of timber, 1920.

Salary.	Farmers.		Stockmen.		Grand total.
	Number.	Total.	Number.	Total.	
\$1,800.....			1	\$1,800	\$1,800
\$1,400.....			1	1,400	1,400
\$1,200.....	21	\$25,200	8	9,600	34,800
\$1,100.....	4	4,400	1	1,100	5,500
\$1,000.....	18	18,000	6	6,000	24,000
\$900.....	72	64,800	13	11,700	76,500
\$840.....	18	5,120	1	840	15,960
\$800.....			1	800	800
\$780.....	14	10,920	3	2,340	13,260
\$720.....	22	15,840	3	2,160	18,000
\$660.....	1	660			660
\$600.....			1	600	600
\$540.....	1	540			540
\$480.....			2	960	960
\$300.....	4	1,200			1,200
Total.....	175	156,680	41	39,300	195,980

Farmers and stockmen paid from other funds.

Agency.	Farmers.			Stockmen.			Fund.
	Number.	Salary.	Total.	Number.	Salary.	Total.	
Blackfeet.....	1	\$900	\$900	1	\$600	\$600	Support of Indians, Blackfeet Agency.
Do.....				1	1,200	1,200	Indian moneys, proceeds of labor.
Cantonment.....	1	840	840				Support of Cheyennes and Arapahoes.
Cheyenne River.....	1	900	900	2	900	900	Cheyenne River Reservation 3 per cent fund.
Do.....				1	540	540	Do.
Do.....	2	720	1,440				Interest on Cheyenne River Reservation 3 per cent fund.
Choctaw.....	1	900	900				Relief of Choctaws in Mississippi.
Coeur d'Alene.....	1	900	900				Coeur d'Alene Reservation 3 per cent fund.
Crow.....	1	900	900				Indian moneys, proceeds of labor.
Do.....	1	10	140	1	1,100	1,100	Do.
Crow Creek.....	1	8.0	8.0	1	900	900	Support of Sioux of different tribes, employed.
Flathead.....	2	900	1,800				Indian moneys, proceeds of labor.
Fort Apache.....	1	1,000	1,000	2	1,000	2,000	Support of Indians in Arizona and New Mexico.
Do.....	1	780	780	1	900	900	Do.
Do.....				1	1,000	1,000	Indian moneys, proceeds of labor.

Farmers and stockmen paid from other funds—Continued.

Agency.	Farmers.			Stockmen.			Fund.
	Num- ber.	Salary.	Total.	Num- ber.	Salary.	Total.	
Fort Berthold.....	1	\$1,200	\$1,200	1	\$720	\$720	Indian moneys, proceeds of labor.
Fort Hall.....	1	840	840	1	900	900	Support of Indians, Fort Hall Reservation.
Fort Peck.....	1	780	780				Support of Indians, Fort Peck Agency.
Do.....	1	1,200	1,200				Indian moneys, proceeds of labor.
Do.....	2	900	1,800				Do.
Jicarilla.....	1	300	300	1	600	600	Do.
Do.....				1	540	540	Do.
Do.....				3	480	1,440	Do.
Kaibab.....				1	840	840	Do.
Keshena.....	1	1,100	1,100				Interest on Menominee log fund.
Do.....	1	780	780				Do.
Kiowa.....	1	840	840				Indian moneys, proceeds of labor.
Do.....	1	840	840				Apache, Kiowa, and Comanche 4 per cent fund.
Klamath.....				1	1,200	1,200	Indian moneys, proceeds of labor.
Leech Lake.....	1	900	900				Chiprewa in Minnesota fund.
Leupp.....	1	900	900	1	900	900	Support of Indians in Arizona and New Mexico.
Do.....				1	480	480	Do.
Lower Brule.....				1	1,000	1,000	Support of Sioux of different tribes, employees.
Mescalero.....				1	1,000	1,000	Support of Indians in Arizona and New Mexico.
Navajo.....	1	780	780				Support of Indians in Arizona and New Mexico.
Osage.....	1	1,200	1,200				Indian moneys, proceeds of labor.
Do.....	2	1,000	2,000				Do.
Pawnee.....	1	720	720				Support of Pawnees, employees.
Red Lake.....	1	900	900				Indian moneys, proceeds of labor.
Rocky Boy.....	1	1,200	1,200				Support of Rocky Boy's Band, etc.
Rosebud.....				1	1,000	1,000	Support of Sioux of different tribes, employees.
Do.....	1	900	900	1	600	600	Rosebud Reservation 3 per cent fund.
San Carlos.....	1	1,000	1,000	1	1,400	1,400	Indian moneys, proceeds of labor.
Do.....				1	1,000	1,000	Do.
Do.....				1	900	900	Do.
Do.....				1	1,500	1,500	Special deposit, contributed funds.
Shoshone.....	1	720	720				Support of Shoshones, employees.
Do.....	1	720	720				Indian moneys, proceeds of labor.
Sisseton.....	1	720	720				Interest on Sisseton and Wahpeton fund.
Southern Ute.....	1	900	900				Interest on Confederate Bands of Utes 4 per cent fund.
Do.....	1	840	840				Do.
Standing Rock.....	1	900	900				Standing Rock Reservation 3 per cent fund.
Do.....	2	840	1,680				Do.
Tongue River.....	1	900	900				Support of Northern Cheyennes and Arapahoes.
Do.....				1	1,200	1,200	Indian moneys, proceeds of labor.
Do.....				1	900	900	Do.
Utah and Ouray.....	3	900	2,700				Interest on Confederate Bands of Utes 4 per cent fund.
Do.....							Do.
Ute Mountain.....	1	900	900				Support of Confederate Bands of Utes, employees.
Do.....	1	900	900				Support of Indians in Arizona and New Mexico.
Western Navajo.....	1	900	900	1	1,000	1,000	General expenses, Indian Service.
Winnebago.....	1	720	720				Indian moneys, proceeds of labor.
Yakima.....	1	900	900				Support of Indians in Arizona and New Mexico.
Zuni.....	1	1,000	1,000				
Total.....	54		46,920	33		28,260	

General summary.

Position.	Fund.						Total.	
	Industrial work and care of timber.		Other.					
			Tribal.		Gratuity.			
	Number.	Amount.	Number.	Amount.	Number.	Amount.	Number.	Amount.
Farmers.....	175	\$156,680	39	\$33,760	15	\$13,160	229	\$203 600
Stockmen.....	41	39,300	22	18,480	11	9,780	74	67,560
Total.....	216	195,980	61	52,240	26	22,940	303	271,160

EXPERIMENTATION.

"*Provided further*, That not to exceed \$25,000 of the amount herein appropriated may be used to conduct experiments on Indian school and agency farms to test the possibilities of soil and climate in the cultivation of trees, cotton, grains, vegetables, and fruits."

The money to be expended for experimental work is largely for the purpose of continuing operations along this line already in progress and to inaugurate such work at other places where the need therefor becomes apparent. It is, of course, the general policy of the Indian Service (in line with the best agricultural practice of the day) to conduct experimentation and demonstration work on the farms of the Indians, so that they may not only see directly what can be accomplished on their lands but also take an active part in experiments and discoveries along agricultural lines. There is a certain amount of experimentation work being done which, because of the discouraging effect of failure upon the Indians, ought to be prosecuted at some central point under the direction of experts, and when definite and certain results are accomplished the adaptability of the various seeds, plants, and trees can then be brought to the attention of the Indians with more hope of success. The largest and most important station for such work in the Indian Service is at Sacaton, on the Pima Reservation, in Arizona, conducted under a cooperative agreement with the Department of Agriculture. Many useful plants have been developed, and these are beneficial not only to the Indians of the reservation but also to those on other reservations where similar conditions prevail, and to the whites as well. As a result of the experimentation work on this farm, a long-staple Egyptian cotton has been developed, which during the past year sold for as much as 85 cents per pound, and is now grown extensively by both Indians and whites in that section. This cotton is very much in demand for airplane wings, automobile tires, and other similar purposes. In addition tests are being made with Peruvian alfalfa, Mexican June corn, Bermuda onions, fruits, nuts (particularly the pecan), trees, and forage plants.

An experimental date farm has been established at Palm Springs on the Malki Reservation, in California, in cooperation with the Bureau of Plant Industry of the United States Department of Agriculture, for the purpose of developing suitable varieties of date palms adapted to that locality, the expenses of which are met from this appropriation.

FIELD MATRONS.

"For the employment of suitable persons as matrons to teach Indian women and girls housekeeping and other household duties, and for furnishing necessary equipment and supplies and renting quarters for them where necessary."

It is the duty of the field matrons to visit the Indian women in their homes and to give them counsel, encouragement, and help in the general care of the house and surroundings, hygiene, and sanitation; the preparation and serving of food; the keeping and care of domestic animals, including dairy stock; the care of children and of the sick; the organization of societies for building up character and for intellectual and social improvement; and anything else that

will promote the civilization of the Indians, particularly with respect to their home life and surroundings.

The industrial progress of the Indians is largely dependent upon their health. Thousands of dollars are expended each year for promoting education, civilization, and self-support among the Indians, and for physicians and hospitals for the treatment of disease. But all this vast expenditure will result in little permanent benefit to the Indians if they do not have the health and strength necessary to do their part in carrying out this extensive industrial program. In this important work the field matron occupies a necessary and vital place.

FORESTRY.

"For the purpose of preserving living and growing timbers on the Indian reservations and allotments, and to educate Indians in the proper care of forests."

This part of the appropriation supports the forestry activities of the Indian Service. In addition to the salaries and wages paid therefrom, provision must also be made for forage and other supplies, teams, harness, saddles, etc.; for the construction and repair of roads, trails, and telephone lines; and for an emergency fire-fighting fund.

General supervision.

Position.	Number.	Salary.	Per diem and expenses.	Total.
Chief supervisor.....	1	\$3,500	\$1,000	\$4,500
Supervisor.....	1	2,000	1,500	3,500
Do.....	1	2,000	1,200	3,200
Deputy supervisor.....	1	1,600	1,000	2,600
Do.....	1	1,500	1,000	2,500
Lumberman.....	1	2,250	950	3,200
Do.....	1	1,800	900	2,700
Cruiser.....	1	1,700	900	2,600
Forest assistant.....	1	1,400	800	2,200
Do.....	1	1,100	500	1,600
Total.....	10	18,850	9,750	28,600

Deputy supervisors.

Reservation.	Number.	Salary.	Expenses.	Total.
Colville.....	1	\$1,700	\$300	\$2,000
Flathead.....	1	1,600	300	1,900
Fort Apache.....	1	1,600	300	1,900
Jicarilla.....	1	1,400	200	1,600
Klamath.....	1	1,700	200	1,900
Tulalip.....	1	1,500	200	1,700
Total.....	6	9,500	1,500	11,000

¹ One-half payable from "Expense account, timber."

Local employees.

Reservation.	Guards.				Assistants, rangers, etc.				Ex- penses.	Grand total.
	Number.		Salary.		Number.		Salary.			
	Employees.	Months.	Monthly.	Total.	Employees.	Months.	Monthly.	Total.		
Blackfeet	1	12	\$75	\$900						\$900
Coeur d'Alene	1	6	75	450	1	6	\$112½	\$675	\$300	1,425
Culville	1	12	100	1,200						1,200
Do	7	5	75	2,625						2,625
Flathead	1	12	100	1,200						1,200
Do	2	12	75	1,800						1,800
Do	5	5	75	1,875						1,875
Fort Apache	2	12	75	1,800	1	12	108½	1,300	200	3,300
Fort Lapwai	1	12	80	960	1	12	91½	1,100	200	2,260
Grand Portage	1	6	50	300						300
Greenville					1	8	120	960		960
Hayward	2	5	50	500	1	12	90	1,080	300	1,880
Hoopa Valley	2	6	75	900	1	12	125	1,500	200	2,600
Do	1	12	91½	1,100						1,100
Jicarilla	1	12	75	900						900
Do	2	12	60	1,440						1,440
Klamath	7	10	75	3,150						3,150
Lac du Flambeau	1	12	80	960						960
Do	1	6	50	300						300
La Pointe	1	4	70	280						280
Laclincac					1	12	50	600		600
Mesaero	2	6	40	480	1	12	91½	1,100	300	1,880
Navajo	2	6	50	600						600
Pine Ridge	1	12	75	900						900
Do	1	12	60	720						720
Pueho	1	8	75	600						600
Red Cliff	1	12	60	720						720
Red Lake	3	3	60	540						540
Shoshone	1	12	75	900						900
Do	5	5	75	375						375
Siletz	3	2	75	450						450
Spokane	2	5	75	750	1	12	116½	1,400	200	2,350
Tanolah	3	4	75	900	1	12	108½	1,300	300	2,500
Tule River	1	12	80	960						960
Do	1	4	60	240						240
Uintah and Ouray	1	3	50	150						150
Do	1	12	50	600						600
Warm Springs	1	4	80	320	1	12	91½	1,100	200	1,620
Do	5	4	75	1,500						1,500
Do	1	4	70	480						480
White Earth	3	2	50	300						300
Do	1	12	75	900						900
Yakima					1	12	108½	1,300	200	1,500
Do	5	5	80	2,000						2,000
Total	81			38,025	12			13,415	2,400	53,840

Mr. RHODES. Are those farmers who are employed under the provisions of this act, in your opinion, rendering such useful and substantial service that justifies the expenditure of this large sum of money for that purpose?

Mr. MERITT. While in some cases the farmers are not as efficient as we would hope, yet this appropriation is the basis for the industrial activities of the Indians throughout the United States, and the actual results in recent years are a thorough and full justification for Congress making these appropriations.

Mr. RHODES. What about these matrons who are employed for the purpose of teaching the Indians better home-life conditions and giving instruction in domestic science, and those things?

Mr. MERITT. The matrons have proven their worth in the Indian Service. They are very helpful in bringing the Indian home up to a higher state of civilization.

Mr. RHODES. Is it practicable for these matrons to visit a large number of Indians on each reservation, or are they limited to practically a small number of families?

Mr. MERITT. We insist on the matrons going from one Indian home to another and helping as many Indians as is possible.

Mr. RHODES. About how many of these matrons are employed for this work?

Mr. MERITT. We have in the Indian Service at this time approximately 90 matrons.

Mr. RHODES. Have you determined to what extent, or about what per cent of the Indian homes have actually come under the influence of this instruction?

Mr. MERITT. I would say that more than 50 per cent of the Indian homes throughout the United States have been visited by the Indian field matrons.

Mr. RHODES. Is this work being increased yearly in such a way as to bring new homes under the influence of these matrons?

Mr. MERITT. The field matrons' work has been increased materially within the last four or five months. Congress thought so much of this work a few years ago that they put in a proviso that not less than \$75,000 should be used in connection with this work.

Mr. HAYDEN. You spoke about the matrons visiting the homes. Is there an allowance for transportation that permits them to travel from one part of the reservation to another?

Mr. MERITT. We furnish the matrons with transportation facilities.

Mr. HAYDEN. Well, is that a horse and buggy, or a Ford car, or what is the nature of the transportation?

Mr. MERITT. Sometimes it is a Ford car, and at other times a horse and buggy, where a car is not available.

Mr. HAYDEN. As a rule, then, the matron has some means of getting about so that she can actually go into the homes?

Mr. MERITT. Yes, sir; we direct the superintendents to co-operate with the matrons to enable them to go out through the reservation.

The CHAIRMAN. Does the field matron keep a diary or report of the visits that she makes during the year, so that the department gets a report on the activities of each one of them?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Can you put into the record the final report of all of these matrons, showing how many visits they make in a month or a year, in some form, so that the committee and the House can be advised as to the work that they do?

Mr. MERITT. I will put in the record such reports as we have available. These reports are not always what they should be; they sometimes make their reports to the superintendent and we do not get all the figures here in Washington.

The CHAIRMAN. But you know, of course, in that same kind of work that is carried on in almost every subdivision of the country, that a report is kept by the matron, or the woman who goes out and makes the visitations?

Mr. MERITT. She is supposed to keep a record.

The CHAIRMAN. That is one of the best things they do, to keep a report showing the number of visits they make. I do not mean to belittle the work they do, because I think it is a splendid work, and I think it is doing a lot of good; but I think it would be wise, if

a report is not kept, to have one that would state exactly what those matrons do in the matter of visiting so many families per annum.

Mr. RHODES. Do I understand you to say that these matrons make their reports to the agents in charge of the reservations, or do they make them direct to the office in Washington?

Mr. MERITT. They make their reports to the superintendent and the superintendent includes in his general report the activities of the reservation by all the employees. But those reports are not full and complete, and it might be necessary before we get the information that the chairman has requested for us to send out to the field for that information. The following are samples of the reports submitted to the office by field matrons. No final tabulation has been made on these reports, but the reports show the general character of work done by field matrons.

5—373a.

FIELD MATRON'S REPORT, WEEK ENDING OCTOBER 18, 1919.

Warm Springs agency. Mrs. Minnie B. Holcomb.

Number of days spent in visiting Indian homes: 5.

Number of homes visited: 24.

Number of families at home: 21.

Other duties: Nursed Florance Pitt 2 days at Madris Hospital.

Supplies received: 5 pounds coffee, 1 gross safety pins, 12 papers brass pins.

Needy Indians (name and circumstances): Dick Thompson. Blind in one eye and can see but very little out of the other one. One child; age, 4 years; not in school. His wife has but one eye, but does what she can to help make a living.

Recommendations and requests: That Dick be given rations.

O. K. upon application.

Sanitary homes—Roll of honor: O. L. B. 10/22/19.

Health data.

Week ending, 191

Name.	Age.	Deg. blood.	Symptoms.	Action taken.
Cases of illness:				
Tomer Handly.....	74	F	Heart trouble.....	Under doctor's care.
Infant son of Jimmie Scott.....	7	$\frac{3}{4}$	Infection in navel.....	Washed and dressed navel.
Florance Pitt.....	6	$\frac{1}{2}$	Tonsils and adnoids removed.	Helped nurse and bring her home.

Names of parents.	Age.	Deg. blood.	Sex.	Date.	Legitimate or illegitimate.	Physician present.	Condition of mother and child.
Births:							
George and Charlotte Pitt.....		$\frac{1}{2}$	M	10/16	Leg.	No.	Good.
.....							
.....							
.....							

Name.	Age.	Deg. blood.	Sex.	Date.	Married or single.	Physician attending.	Cause.
Deaths:							
.....							
.....							
.....							

FIELD MATRON'S WEEKLY REPORT.

[To be rendered in duplicate at the close of each week and forwarded to the superintendent. One copy for agency files and one for forwarding to the Commissioner of Indian Affairs.]

Week ending October 25, 1919. Kiowa Agency. No. 1 district. Allie M. Brennan, field matron.

DAILY WORK RECORD.

Monday: Worked in district.
 Tuesday: Day at home to Indians.
 Wednesday: Helped select and purchased clothing and furniture.
 Thursday: Worked in district.
 Friday: Made arrangements for three couple to marry who were living together illegally.
 Saturday: Day at home to Indians.

WORK SUMMARY.

Work record.	Number.	Work record.	Number.
1. Days spent in visiting homes.....	3	6. Indian callers received.....	140
2. Number of homes visited.....	15	7. Indians reached through all methods.....	175
3. Number of meetings held or attended.....	2	8. Days devoted entirely to Indian work.....	6
4. Number of Indians reached in this manner.....	16	9. Destitute and sick Indians reported.....	1
5. Days at home to Indians.....	2	10. Special reports to superintendents....	3

REMARKS.

Made 3 birth reports, 3 wedding reports, and 1 death; also arranged for 1 Indian woman to enter hospital. Delivered 35 checks to school children.

The CHAIRMAN. Well, I do not want the record of this hearing held up for that, by any means; you can put in whatever you have at hand.

Mr. RHODES. Are these matrons under the supervision of the Indian agents?

Mr. MERITT. Yes, sir.

Mr. RHODES. Are they appointed by the department in Washington or by the Indian agents?

Mr. MERITT. They are appointed by the Indian Office.

Mr. HAYDEN. They all have a civil-service status?

Mr. MERITT. Yes, sir.

The CHAIRMAN. I would like to ask you two questions: You have in one of your schedules here the salaries of farmers and stockmen, and also the number of each. Will you state in a concise way what are the duties of the farmers and also the duties of the stockmen?

Mr. MERITT. It is the duty of the Government farmer on an Indian reservation to teach the Indian to make proper use of his land, by going out on the Indian farm and showing the Indian just what should be done on his allotment. The Indian farmer also aids the superintendent in the administration of Indian affairs on that reservation by drawing farming and grazing leases and also by supervising the general activities on the reservation within his district. These large Indian reservations are divided into districts, and the Indian farmer is in practically administrative charge in these districts, and the Indian goes to that farmer whenever he wants anything done, and the farmer takes the matter up with the superintendent.

The CHAIRMAN. Does the farmer go to the Indian on his own initiative or does he go on the request of the Indian?

Mr. MERITT. The farmer should go to the Indian on his own initiative. It should be the duty of every Indian farmer to visit every Indian allotment within his district.

The CHAIRMAN. Of course he would go at the request of the Indian?

Mr. MERITT. Certainly.

The CHAIRMAN. Will you give us the duties of the stockmen? Of course I appreciate that the committee is familiar with all this, but I think this ought to go into this record for the benefit of the Members of the House.

Mr. MERITT. The stockman is employed to look after the stock interests on the various Indian reservations, not only the stock of the individual Indian but the tribal stock belonging to the Indians at large on any particular Indian reservation. The Indians have very greatly increased their stock holdings in recent years, both individually and tribally. The Indian is a natural stock raiser on a great many of our Indian reservations.

The CHAIRMAN. Does the stockman also assist the superintendent—if that is the proper name—in the administrative duties of the reservation?

Mr. MERITT. No, sir; not as a usual thing; the stockman looks after the stock interests exclusively.

The CHAIRMAN. Do you know if the farmer, so called, makes a report to the agent or superintendent and whether or not that report gets into the bureau as to the number of visits to the various Indian farms which he makes per annum?

Mr. MERITT. No, sir; the farmer does not make his report in that detail.

The CHAIRMAN. Well, do you not think it would be at least illustrative of the actual good that the farmer does if such a report was made?

Mr. MERITT. We require the superintendents to show the acreage cultivated by Indians and the value of their crops each year, and that is an index of either the progress or the nonprogress of the Indian on the reservation.

The CHAIRMAN. I appreciate that, and I think that is all right, but it would be enlightening to me to know how many visits the farmer made to the Indian farmers in a year in the district in which he operated in either by request of the Indian or on his own initiative.

Mr. MERITT. The Indian farmer is supposed to visit each Indian farm within his district often enough to keep in touch with what the Indian is doing and to advise him as to the best use of the Indian allotment with the equipment that he has.

The CHAIRMAN. I think that is well, but I think it would be well to know that he actually does what he is supposed to do; and if you could get reports of the number of visits per annum that he makes it would not be a very serious matter to keep them; it would not require any more work than a doctor does in reporting his visits for the farmer to report that he called at such a farm on such a day. That would show you, would it not, that something was being done, or something was not being done, to intensify the work that

the farmer ought to do to instill into the mind of the Indian the necessity of taking up land and properly managing the same?

Mr. HASTINGS. You want, in addition to the fact that he did something, what he did—not simply that he did something?

The CHAIRMAN. Yes; I think we ought to have a report from the Indian farmers showing that they did actually visit so many Indian farms.

Mr. HAYDEN. The duties of the Indian farmer are very similar to the work of the county agent of the Department of Agriculture, perhaps, if the Indian Office would confer with the Department of Agriculture about the form of reports made by county agents.

Mr. MERITT. Mr. Chairman, I am very glad to have that suggestion, and we will take up the matter and see what can be worked out.

Mr. RHODES. Then, under the present condition of things, you have no figures or reports in your office which show about how thoroughly those farmers visit the Indian farmers under their immediate jurisdiction?

Mr. MERITT. We have the reports of the superintendents, explaining the activities on the various Indian reservations; but they do not go into detail, and give the actual number of visits that the Government farmer makes to the Indian farms.

Mr. RHODES. Then you have spoken largely from the theoretical standpoint as to what his duties are, and have assumed that he has done the things that you have pointed out; but, as a matter of fact, if we are left to judge of the thoroughness of the work in accordance with the increase in the number of acres farmed on many reservations, the conclusion would be that he had not done much?

Mr. MERITT. Well, the figures during the last three years show that there has been anywhere from 25 to 50 per cent increase in production and also in acreage farmed by Indians. There has been a wonderful increase in Indian activities along industrial lines in the last four or five years.

Mr. RHODES. But, if I remember the facts correctly, there is still a very small acreage farmed and a very small amount of production in comparison with the total number of farmers and the acreage susceptible of cultivation.

Mr. MERITT. That is true; there is still great room for improvement.

The CHAIRMAN. Well, what we are interested in, of course, is to get the full benefit out of these farmers, and it seems to me that while the discussion, so far as I am concerned, has been carried along far enough along the line of checking them up, the bureau ought to adopt a system of checking up each one of these men to get the actual results from that particular zone in which he is operating; then you will find the good ones and the bad ones.

Mr. MERITT. We will try to work that out, Mr. Chairman, along the lines of these suggestions.

The CHAIRMAN. This appropriation calls for the same amount as last year; but I find in the section a proviso that not to exceed \$25,000 of the amount appropriated in this item may be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, cotton, grain, vegetables, and fruits. I want to ask if you think that the whole of that \$25,000 is needed for that purpose?

Mr. MERITT. We have asked that that appropriation be made optional with the Secretary of the Interior as to the amount, within the \$25,000. We believe that we can use most of the \$25,000 for experimental purposes to advantage. As has been pointed out to the committee heretofore, this small appropriation has proven in the past to be very helpful in increasing agricultural products on Indian reservations. This appropriation was used as a basis of developing what is known as the long-staple cotton industry in Arizona, which has been extended now to southern California. That industry has probably brought to the State of Arizona a great many millions of dollars in the last few years.

The CHAIRMAN. Well, then, why should not the State of Arizona pay for this service?

Mr. MERITT. The State of Arizona is paying for the service outside of the Indian reservations; but I am simply citing this as an illustration of what this small appropriation has accomplished.

The CHAIRMAN. In other words, the Government is appropriating \$25,000 for the interests of the State of Arizona?

Mr. MERITT. Not at all. This appropriation was used to develop the long-staple cotton industry, in cooperation with the Agricultural Department, on the Pima Indian Reservation, in the State of Arizona; and having demonstrated that the long-staple cotton industry was practicable and feasible on the Pima Reservation, it has been extended to other lands in the Salt River Valley and the Gila Valley.

The CHAIRMAN. Is any part of this \$25,000 used to pay the salaries of people who are scheduled under this item?

Mr. MERITT. Yes, sir; we use that both for salaries and for other purposes.

The CHAIRMAN. Well, is it paid to any of these stockmen or farmers or matrons specified here in the item?

Mr. MERITT. No, sir.

The CHAIRMAN. Then, under what heading would you find these amounts expended?

Mr. MERITT. Under the heading of "Experimentation."

The CHAIRMAN. I do not see it in this copy.

Mr. MERITT. You will find it on the first page, "Experimentation, \$15,748.15." That is the last item on the first page, which is marked page 9.

The CHAIRMAN. Then, out of that \$25,000 appropriation you have expended only \$15,748.15?

Mr. MERITT. According to this statement; yes, sir.

The CHAIRMAN. Would you not be willing in this bill, where we are trying so hard to economize, to cut that, say, to \$10,000 for experimental purposes this year?

Mr. MERITT. We would try to get along with \$15,000, Mr. Chairman; that would be a cut of \$10,000 in that appropriation.

Mr. HAYDEN. I want to suggest, Mr. Chairman, that the reason why the committee in previous Congresses has changed this appropriation from "may" to "shall" is because the Indian Service was unwilling at one time to contribute its proper share to the work of conducting cooperative experimental work with the Department of Agriculture. When the appropriation was made optional the In-

dian Service could apply it to other Indian uses, and they sought to pass the expense over to the Department of Agriculture and use what they could save for some other Indian purpose. The Representatives in Congress from the States where these experiments were located, realizing the value of the work, were insistent that the Indian Office do its share and meet the Department of Agriculture appropriation dollar for dollar. That was why we insisted that the appropriation should be mandatory rather than in the discretion of the Secretary of the Interior.

The CHAIRMAN. Well, will a \$10,000 reduction be agreeable to you?

Mr. HAYDEN. I know of no money that has been more beneficial in my State than this particular sum, not only in connection with the cotton industry, of which Mr. Meritt has just spoken, and which has put the Pima Indian in a very much better financial position than ever before, but that experimentation has gone into very many other matters. For instance, as an illustration, the Indians had a small flint corn that had always grown in that country, that grew with a tight twist in the top of the shuck, so that worms could not get into it. When they planted the ordinary eastern corn, where there is an opening at the top of the shuck, the worms will get into corn and destroy the crop. At the Sacaton experiment station they crossed the eastern corn with the Indian corn and produced a large ear of corn with a tight twist in the top of the shuck, so that the worm does not get into it.

The CHAIRMAN. Well, you have already accomplished that.

Mr. HAYDEN. But I only mentioned that to show the value of the work, and to indicate that there is a vast field for agricultural experimentation.

The CHAIRMAN. I realize that, just as you do. But I think as they have spent only \$15,000 this year, they might well get along with that sum next year.

Mr. HAYDEN. Well, what I want to find out is why they did not spend the balance of the \$25,000 this year.

Mr. MERITT. The Indian Service is economical wherever it can be; and we were able to get along last year by expending only \$15,000 of this appropriation. This appropriation has been a wonderful help, as Mr. Hayden said, in developing agricultural activities in the Southwest.

Mr. HAYDEN. I understand that the appropriation is not confined to the Southwest, but that you will use it on a great many other reservations. The greatest development happened to have taken place on the Pima Indian Reservation, where there was a very exceptional man in charge of the service, Mr. Hudson, who ranks as one of the best agricultural men in the country. But if the Indian Bureau will not expend the money, I do not see any advantage in appropriating it; and if you want to reduce it to \$15,000, if that is all they want to expend, that is all that can be done; because it is useless to appropriate it if they will not expend it.

The CHAIRMAN. Then we will cut that down to \$15,000. Now, with reference to these other items, salaries and wages of employees, without regard to the amount of salary that is paid to each employee, is there, in your judgment, a surplus of employees included in that amount?

Mr. MERITT. No, sir.

The CHAIRMAN. There is no place in that item where you would concede that there was a larger number of employees than are actually needed?

Mr. MERITT. If the item of legislation which is found on page 23 is carried in the Indian bill as it finally passes Congress, it will be possible to reduce the total appropriation, simply because—

The CHAIRMAN (interposing). Well, would that automatically reduce this if that legislation should finally become a law?

Mr. MERITT. It would, because when that legislation becomes a law we would require those employees to be paid out of the proceeds from the sale of the timber and from the leasing of Indian lands, rather than from a gratuity appropriation by Congress.

The CHAIRMAN. Well, what have you to say as to traveling expenses in this item?

Mr. MERITT. That amount is necessary.

The CHAIRMAN. I note that we carry in the bill a general item of \$8,000 for telegraph and telephone services, and yet in nearly all of these particular items you also have a telegraph and telephone service item?

Mr. MERITT. That general appropriation is for the purpose of paying for telegrams from and to the Indian Office at Washington, and these other appropriations pay for telegraphic service outside of that service.

Mr. CARTER. Well, that item of telegrams sent from the Indian Office at Washington, is that not a proper expenditure to be passed upon by the Committee on Appropriations?

Mr. MERITT. No, sir.

Mr. CARTER. Well, we do not have jurisdiction to appropriate for the expenses of the Indian Office here.

Mr. MERITT. It has been done ever since the Indian bill has been going through Congress.

The CHAIRMAN. Ever since I have been here there has been an item of \$8,000 in the bill for telegraph and telephone service—a general item.

Mr. CARTER. It has been here for years; but my understanding of the item was that it had been used for telegrams originating in the field. This is the first time I ever realized that it was used for telegrams originating in the Indian Bureau in Washington.

Mr. MERITT. The item itself says (page 14):

For telegraph and telephone toll messages on business pertaining to the Indian Service sent and received by the Bureau of Indian Affairs at Washington, \$8,000.

The CHAIRMAN. That appropriation, then, is simply for telegrams back and forth from the bureau?

Mr. MERITT. Yes, sir.

The CHAIRMAN. And these items in this section are to cover the telegraph and telephone expenses in some other activity than the Indian Bureau?

Mr. MERITT. Yes, sir.

Mr. CARTER. Well, some of them might be sent to the Indian Bureau also.

Mr. MERITT. In that event, this appropriation of \$8,000 would be used.

The CHAIRMAN. Just what do you mean by "forage" in your explanation of this item?

Mr. MERITT. That is for buying feed for the horses that are used by the stockmen and other employees.

The CHAIRMAN. That is for the work that is actually carried on under this appropriation?

Mr. MERITT. Yes, sir.

Mr. RHODES. What item are you referring to now?

The CHAIRMAN. I am referring to the item of forage in the analysis of expenditures on page 9 of the justification.

That is wholly a matter of feed, hay, grain, straw, etc.?

Mr. MERITT. Each one of these farmers is supplied with either a team or a Ford automobile.

The CHAIRMAN. I see. Does that forage include gasoline?

Mr. MERITT. We have another item below there, "Fuel, lubricants, power, and light service." We use funds under that heading for buying gasoline for Ford cars.

The CHAIRMAN. Does your expense account particularize those items, so that we could tell whether gasoline was included in forage or not?

Mr. MERITT. Yes, sir.

The CHAIRMAN. In this next item of expenditure, "Fuel, lubricants, power, and light service," are there particular offices located throughout the country where these employees under this appropriation conduct their business which are separate from the buildings in which the general Indian business is carried on?

Mr. MERITT. No, sir; not as a usual thing.

The CHAIRMAN. Then how can you particularize on light service? I take it that that means light for buildings, office purposes, etc.

Mr. MERITT. These farmers are furnished homes in which to live on these Indian reservations; and we furnish them fuel for keeping their houses warm, and also light service. That item covers that expense.

The CHAIRMAN. Then, of course, your records would show the amount that you charge against this item for light?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Also for power, lubricants, and fuel?

Mr. MERITT. Yes, sir.

The CHAIRMAN. The lubricants, naturally, are for the cars that they operate; what does the power consist of?

Mr. MERITT. In certain of our reservations, we have electric light plants, and we furnish lights to these various homes, and that would include the charge for maintaining the power plant.

The CHAIRMAN. I know; but you would not charge the farmer the maintenance of the power plant, and also for the light service from the same plant, would you?

Mr. MERITT. He would be required to pay a proportionate charge for maintaining the power plant for the service at the agency headquarters, if he were furnished with light.

The CHAIRMAN. Well, where you operate a power plant for the generation of power and light, you make a charge for both the power and the light; that is in lieu of additional salary to the farmer?

Mr. MERITT. Yes, sir.

The CHAIRMAN. And that amount is included in this item?

Mr. MERITT. Yes, sir; you will notice that there is a provision in the bill whereby we are authorized to furnish heat and light.

The CHAIRMAN. I understand; but I was just trying to find out what the traveling farmer used power for, outside of the car that took him around the country. I did not know but what he might run a small shop, or something of that kind. But you say that your records have that divided up in the items specified, fuel, lubricants, power, and light service.

Mr. MERITT. You will notice that that is a general division that we use in all of these appropriations.

The CHAIRMAN. Yes; but what I have in my mind—I want to be perfectly frank about it—is that I want to find out whether you carry on on a reservation a particular building in which the employees or directors under this appropriation carry on their work separately from the buildings which are used on the same reservation for the use of the employees of the reservation, from the superintendent down.

Mr. MERITT. We have different conditions on different reservations. But this is the usual situation at an agency: The superintendent will have a cottage; there will be one office for the clerks and the superintendent's headquarters; and the farmer will also have an office there where he can go and meet the Indians, and in addition to that, the various employees will have little cottages surrounding the agency headquarters, at a convenient distance, and we will furnish those employees with fuel and light. In some cases, we have an electric light plant, and in others—

The CHAIRMAN (interposing). Well, would all the expenses of the light for those cottages be charged up against the farmer?

Mr. MERITT. He would be charged up with his proportionate share.

The CHAIRMAN. That is, it would be in his account?

Mr. MERITT. Yes, sir.

The CHAIRMAN. And not particularly against each one of the people that occupy the house? That would explain this item here, if all the power—

Mr. MERITT (interposing). Usually the farmer will occupy one cottage to the exclusion of other employees.

The CHAIRMAN. Yes; but that does not get quite to my point yet. I may be dense on the proposition; but I can not understand how a particular farmer operating at the headquarters of a reservation would require any particular specified amount of light for his own use. If he was in the same building with other employees there, he would be using the same light, etc., that everybody else did.

Mr. MERITT. But he would be occupying as a home a separate cottage; therefore, we would be required to furnish that cottage with fuel.

The CHAIRMAN. Yes; but under his supervision there would be several other cottages that employees would be living in. What I am getting at is: that the charge for the light in those cottages in which the people live that are under his supervision would be charged to him, or to his account, for light and power—or would it be charged to each one of the residents in those buildings?

Mr. MERITT. Usually that proportion would be charged up to general administrative expenses at the agency. But this is just a general term that we use in all of these justifications. You will note that practically none of this appropriation was used for power; but we use that term, because, in some cases, it is possible that we do buy power, or use power, at certain of the reservations. And that is an inclusive term—"Fuel, lubricants, power and light service." You will find that expression in all the justifications throughout the bill.

The CHAIRMAN. Then I will not go into it any more deeply, except that, as I said before, I would like to know whether "forage" includes gasoline—or, rather, will put it this way, whether "fuel" includes gasoline?

Mr. MERITT. Forage includes simply feed for the horses.

The CHAIRMAN. The next item is beginning on page 13, line 19, "Expenses incident to purchase and transportation of Indian supplies," and reads as follows:

For expenses necessary to the purchase of goods and supplies for the Indian Service, including inspection, pay of necessary employees; and all other expenses connected therewith, including advertising, storage, and transportation of Indian goods and supplies, \$450,000: *Provided*, That no part of the sum hereby appropriated shall be used for the maintenance of to exceed three warehouses in the Indian Service.

Mr. MERITT. I offer for the record, Mr. Chairman, the following justification for that item:

Purchase and transportation of Indian supplies.

Fiscal year ending June 30, 1920: Amount appropriated----- \$300,000. 00

Fiscal year ended June 30, 1919:

Amount appropriated----- 300,000. 00

Amount expended----- 300,000. 00

Analysis of expenditures:

Salaries, wages, etc----- 35,381. 65

Traveling expenses----- 4,445. 44

Transportation of supplies----- 121,818. 54

Telegraph and telephone service----- 577. 40

Stationery, printing, schoolroom supplies----- 10,391. 47

Fuel, lubricants, power and light service----- 774. 66

Equipment and miscellaneous material----- 390. 26

Rent of buildings----- 9,568. 33

Miscellaneous----- 198. 01

Outstanding liabilities----- 116,454. 24

Total----- 300,000. 00

NOTE.—\$54,112.33 of the total amount was expended on account of the warehouses.

Appropriated, 1917----- \$300,000

Appropriated, 1918----- 300,000

Appropriated, 1919----- 300,000

Appropriated, 1920----- 300,000

Estimated, 1921----- 450,000

No part of this appropriation is expended for goods and supplies, except such as may be required to operate the three Indian warehouses. The fund is used, except as noted, in the payment of expenses incident to purchasing, i. e.,

advertising, inspecting, and transporting supplies for the Indians and for the Indian Service generally, including the salaries and other expenses necessary to maintain the Indian warehouses.

The appropriation for the fiscal year 1919 was expended as follows:

Fiscal year ended June 30, 1919 (the following figures are as of Nov. 1, 1919):

Amount appropriated-----	\$300,000.00
Amount expended-----	508,858.33
Overdrawn -----	208,858.33

Analysis of expenditures.

Salaries and wages-----	35,381.65
Traveling expenses-----	4,445.44
Transportation of supplies-----	447,131.81
Heat, light, and power (service), including fuel-----	774.66
Telegraph and telephone service-----	577.40
Printing, binding, advertising, stationery, and office supplies-----	10,391.47
Equipment, etc-----	390.26
Rent -----	9,568.33
Miscellaneous -----	197.31
Total -----	\$508,858.33

NOTE.—\$61,726.52 of the total amount was expended on account of the warehouses, and inspection and advertising of supplies, awarding contracts, etc.

It will be noted that to date this appropriation has been overdrawn to the extent of \$208,858.33. At this time last year there were outstanding indebtednesses in the 1918 appropriation totaling about \$20,000, and it is probable that the indebtednesses now outstanding against the 1919 appropriation will total about the same amount. This will make the total sum expended for all purposes approximately \$529,000, making a total deficit of about \$229,000 in the amount required to pay for transporting goods and supplies. The deficit occurring annually in this appropriation for some years past has been covered by a deficiency appropriation for the payment of transportation claims certified to Congress by the Secretary of the Treasury.

The largest item of expenditure, of course, is for the actual transportation of supplies, which for 1919 amounts to \$447,131.81 up to about November 1, 1919, with a number of bills outstanding.

A comparison of amounts expended for this purpose, for the last few years, is as follows:

Fiscal year.	Weight of supplies handled by Indian warehouses, including coal shipments.	Approximate amount expended for freight charges.	Fiscal year.	Weight of supplies handled by Indian warehouses, including coal shipments.	Approximate amount expended for freight charges.
	<i>Pounds.</i>			<i>Pounds.</i>	
1914.....	60,015,338	\$288,000.00	1917.....	90,008,853	\$333,550.00
1915.....	73,383,584	306,770.97	1918 ¹	25,565,713	354,771.94
1916.....	87,927,608	314,613.32	1919 ²	18,221,304	447,131.81

¹ To October 1.

² Exclusive of 118,349,520 pounds coal not handled through warehouses.

³ To November 1.

⁴ Exclusive of 140,422,000 pounds coal not handled through warehouses.

It should be noted that a large volume of supplies on which transportation charges are paid from this appropriation are handled by the field officers and not by the Indian warehouses, particularly so was this the case during the past fiscal year, owing to the fact that all coal for the service was purchased through the Fuel Administration by field officers. This would considerably increase the weights on which transportation charges were paid during the fiscal year 1919. While the tonnage shipped by the field officers is not included in the above totals, the cost of the transportation is included.

The amount specified for 1921, to cover the transportation of supplies, is \$383,920, and it is believed that this amount will actually be required. There was a general increase in freight rates during the two years prior to June 25, 1918, and on that date a further increase of approximately 25 per cent was made on all rates, which increased the cost of transportation, for which no increase in the original appropriation was made.

If the \$300,000 only is appropriated as in the past few years there will be a deficit of at least \$150,000. A number of the schools have been closed within the past year, and the possible deficit is based on the assumption that the same tonnage will be transported during the fiscal year 1921 as during the fiscal year 1919 to the schools remaining open. If the Railroad Administration authorizes another increase in rates a deficit will almost be certain even if the full amount asked for is authorized. Figures are as follows:

Amount paid for transportation-----	\$447, 131. 00
Deficit, 1919, about-----	229, 000. 00
Approximate decrease of 1921 account of closing a number of schools-----	79, 000. 00
Difference -----	150, 000. 00

The other expenses chargeable to this appropriation are for the maintenance of the warehouses, three in number.

The amounts expended for the fiscal years 1918 and 1919, and the estimated figures for 1921 follow:

Total expenditures for maintaining warehouses, etc.:	
1918-----	\$55, 515. 58
1919-----	61, 726. 52
Estimated for 1921-----	66, 080. 00
Salaries, wages, etc.:	
1918-----	34, 387. 82
1919-----	35, 381. 65
Estimated for 1921-----	38, 680. 00
Traveling expenses:	
1918-----	3, 086. 77
1919-----	4, 445. 44
Estimated for 1921-----	4, 500. 00
Telegraph and telephone service:	
1918-----	590. 93
1919-----	577. 40
Estimated for 1921-----	600. 00
Heat, light, and power (service):	
1918-----	710. 21
1919-----	774. 66
Estimated for 1921-----	800. 00
Printing and advertising:	
1918-----	7, 181. 21
1919-----	10, 391. 47
Estimated for 1921-----	10, 000. 00
Equipment:	
1918-----	202. 50
1919-----	390. 26
Estimated for 1921-----	1, 000. 00
Rent of warehouses:	
1918-----	9, 000. 00
1919-----	9, 568. 33
Estimated for 1921-----	10, 000. 00
Miscellaneous:	
1918-----	356. 54
1919-----	197. 31
Estimated for 1921-----	550. 00
Total expenditures:	
1918, exclusive of outstanding indebtedness-----	410, 287. 52
1919, exclusive of outstanding indebtedness-----	508, 858. 33
Estimated for 1921-----	450, 000. 00

The following table shows the amounts appropriated in the Indian bills, amounts appropriated under deficiency acts, and the total amounts expended during the past six years:

Year.	Indian bill.	Deficiency acts.	Total.	Year.	Indian bill.	Deficiency acts.	Total.
1914.....	\$300,000.00	\$151,624.22	\$451,624.22	1917.....	\$300,000.00	\$110,260.30	\$410,260.30
1915.....	300,000.00	56,307.66	356,307.66	1918.....	300,000.00	132,943.92	432,943.92
1916.....	300,000.00	104,870.32	404,870.32	1919.....	300,000.00	229,000.00	* 529,000.00

¹ Includes about \$100,000 for wagon transportation from terminals which service was otherwise paid for thereafter.

² Estimated.

A most earnest effort has been made for several years to regulate the expenditures from this appropriation in such a way as to prevent a deficit, but the volume of freight traffic for the Indian Service has increased so rapidly that this could only be done by changing the entire policy of the service in the purchasing of supplies. It is not believed that any more supplies are purchased for the Indian Service than was the case in past years, but with increased attention to buying has come a complete reversal in the policy under which they were purchased, throwing a larger and larger proportion of the total cost of supplies on this appropriation and a correspondingly less amount on the various support funds. Up to about 13 years ago, the greater quantity of flour, forage, and fuel for the Indian Service was purchased f. o. b. destination; in fact, so much emphasis was placed on the desire to purchase in this way, that very few bids f. o. b. other points were received. In 1899 the contract system of transportation was abolished and authority was given to ship supplies by common carriers at the regular commercial rates, less any reductions accruing to the Government in return for lands granted the different roads at the time they were constructed. It was almost immediately found that we could ship supplies at rates which were not only much lower than we ever received after inviting bids, but much lower than the rates paid by private shippers. The significance of this fact, as applied to purchasing supplies, was not recognized immediately; however, each year we found it cheaper to buy more supplies at points of manufacture. Several years ago we finally recognized that, owing to the reduced freight rates we receive, we can in almost every case buy cheaper at point of manufacture or production and ship to the various agencies, than by buying the same articles f. o. b. delivery point.

For example: A mill at Portland, Oreg., bidding on lumber for the Nevada Indian school, at Numana, Nev., would have to calculate its delivered price on the basis of a freight rate, Portland to Numana, of \$0.45 hundredweight in carload lots. Their bill would be the Portland price plus freight to Numana, all of which would be payable from the Nevada school-support fund. Reductions accruing to the Government, in return for lands granted to the Southern Pacific Co., in Oregon, bring the rate which we would have to pay down to \$0.096 per hundredweight in carload lots if we did the shipping on Government bills of lading. The saving in making the purchase f. o. b. Portland and doing the shipping ourselves is obvious, but as the freight on the purchase in this case would be charged against "Purchase and transportation of Indian supplies," and only the cost of the material at Portland charged to the support fund, there would be a charge of in the neighborhood of \$100 per car against the transportation appropriation which would not have been made had the lumber been purchased f. o. b. destination. Thus an actual net saving of nearly \$500 to the Government on the whole purchase increases the charge against this appropriation by \$100.

The recognition of this fact has led to ever-increasing efforts to save money by inviting bids f. o. b. points of manufacture all over the United States, and the acceptance of such bids has led to a constantly increasing volume of freight traffic on behalf of the Indian Service, through the warehouses and otherwise, with corresponding increasing overdrafts in the "Purchase and transportation of Indian supplies" fund. We estimate that we save at least \$100,000 annually on the total cost of our supplies delivered at destination, by purchasing at point of manufacture or production and shipping at Government freight rates. That is, by paying \$350,000 from this appropriation for freight charges, we

save at least \$450,000 from the various support funds. The reason for the constantly increasing amount spent on freight charges is shown most forcibly by the weights of supplies purchased through warehouses in the past few years:

	Pounds.
1911.....	37, 167, 594
1912.....	49, 857, 085
1913.....	58, 183, 679
1914.....	60, 015, 338
1915.....	73, 393, 584
1916.....	87, 927, 608
1917.....	90, 008, 853
1918.....	¹ 143, 915, 233
1919.....	² 158, 643, 304

It is estimated that more than two-thirds of the supplies used by the Indian Service are now purchased through warehouses, and that including those purchased f. o. b. shipping point by field superintendents, we pay for freight transportation on about four-fifths of all the supplies purchased for the service, the remainder being delivered at destination by the firm or individual from whom we buy.

Coal would ordinarily have been handled by the warehouses and field officers, but the past two years, on account of war conditions, the whole amount was purchased through the Fuel Administration f. o. b. mines or docks on the Great Lakes.

The CHAIRMAN. You can give us, without reading the justification, your reasons for increasing the item \$150,000?

Mr. MERITT. This item is the appropriation that we use in connection with the purchase of goods and supplies for the Indian Service. This appropriation is not used for the payment for the supplies purchased, but is simply to operate the machinery by which these supplies are purchased, in addition to paying the expenses of the three warehouses, one at Chicago, one at St. Louis, and one at San Francisco. These expenses are stated in detail in the justification which we have furnished for the record.

The CHAIRMAN. All right.

Mr. MERITT. We have had a deficit for a number of years in connection with this item, and we thought it was only fair to Congress that we should ask for sufficient money to cover the amount that is actually used each year, rather than to have these deficits certified by the Treasury Department to the appropriations committee of the House.

The CHAIRMAN. Well, I will say that I have read the justification pretty carefully and given it some thought, and while I do not agree with all of it, yet there seems to be some justification for an increase.

Mr. MERITT. In the last few years freight rates, as you know, have gone up, and we have been buying a large amount of goods and supplies for the various agencies and schools throughout the country. And this appropriation of \$300,000 has for a number of years proved to be entirely inadequate.

The CHAIRMAN. Then, in order to correct this deficit, you have come in for a deficiency appropriation, have you not?

Mr. MERITT. Yes, sir. This appropriation is such that we can not determine exactly the amount that will be required to meet the various situations that will arise in connection with the administration of this work.

¹ Includes 118,349,520 pounds of coal.

² Includes 140,422,000 pounds of coal.

Mr. HAYDEN. What has been the amount of the deficiency appropriations that you have asked for in the past few years?

Mr. MERITT. There have been deficiencies of anywhere from \$100,000 to \$150,000.

Mr. HAYDEN. Just read them, if you have them listed.

Mr. MERITT. In 1914 there was a deficiency of \$150,000; in 1915, a deficiency of \$56,000; in 1916, \$104,000; in 1917, \$110,000; in 1918, \$132,000; and in 1919, \$229,000—speaking in round figures.

The CHAIRMAN. I notice in item No. 10 in the justification that your tonnage, or the total number of pounds moved, jumped from 1917 to 1918 about 50,000,000 pounds; in other words, it jumped from 90,000,000 pounds to 143,000,000; and that was brought about by the movement of coal, as I see it. In your freight items, do you pay the freight on the coal and carry that as a freight item?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Well, that is absolutely wrong, and ought not to be done in that way at all. It is all right to pay it. But that should be charged against the cost of the coal at whatever point it is delivered at; in other words, under the income-tax law we would not be permitted to put our coal in the bin at the price we buy it at at the mine. We have to add what we pay for freight to the cost of the coal and inventory that coal at the amount it costs at the yard.

Mr. CARTER. At the delivered value.

The CHAIRMAN. Yes; at the delivered value. Now, that is what is adding materially to this amount here.

Mr. MERITT. That is true; but we are saving the Government a considerable amount of money, which I estimate to be \$100,000, by getting bids, not at the delivery point but at the shipping point.

The CHAIRMAN. That would not come into this question at all; that coal cost whatever freight you have to pay on coal, in addition to the price of the coal.

Mr. CARTER. You could pay it out of your appropriation for coal.

The CHAIRMAN. Yes; and it ought not to come out of the freight item at all; it is paid in the first instance as freight, but immediately charged in your books against the coal item; and you should be reimbursed from the appropriation made for the freight paid to the point at which the coal is received; that ought to be reimbursed to this account, and that would almost make up your deficiency. We will say that coal is now \$2.95 at the mine; it cost you anywhere from \$2.50 to \$3 a ton to deliver that coal. You see, the freight to-day to some points to which you have coal delivered is more than the cost of the coal at the mouth of the mine.

Mr. CARTER. That is very often the case.

The CHAIRMAN. And, therefore, that should be carried as a coal item and not as a freight item. We have to do that in every other business, and there is no reason why it should not be done here. It would not make any difference in the amount of money spent, but it would put the expenditure where it belongs and take it out of this item.

Mr. CARTER. It would be a better way to carry it, because it would put the fuel cost all under one head.

Mr. MERITT. This is one reason why we pay transportation out of this item, rather than get a quotation for goods delivered for the

Indian Service at the point of delivery: The Government has what is known as a land-grant reduction on certain railroads for the transportation of freight. And we can very frequently save considerable money to the Government by taking advantage of these land-grant rates, rather than having the seller of the goods pay the freight.

Mr. CARTER. That does not enter into it.

Mr. MERITT. It does enter into it there.

The CHAIRMAN. Well, it does not enter into my idea at all. The point is that the freight on the coal should be paid as part of the price of the coal at the point that the coal is received at; your land-grant scheme would come into it exactly the same under your contract, and then whatever you pay for freight should be immediately charged up against the price of the coal, thereby fixing the price of the coal at the point it is received at. Anything that you have paid out in the form of freight, if you have paid it at this point, should be immediately reimbursed for the difference between the cost of the coal at the point you received it at and the point it was delivered at.

Mr. CARTER. The chairman is making no criticism whatever of your paying the freight.

The CHAIRMAN. No.

Mr. CARTER. Of your taking any advantage you can of the fact that the Government pays the freight. His criticism goes entirely to your method of bookkeeping; that is to say, that you charge the freight up to transportation when it should really be charged up under the head of fuel, no matter how it is paid.

The CHAIRMAN. Certainly.

Mr. MERITT. I will take your suggestion up with our transportation people and try to work out something along that line.

The CHAIRMAN. The salient point involved is that you are forced, if you are doing business as an individual or a corporation, to do the very thing that I am suggesting should be done here; you have got to appraise your coal at the point it is finally received at—at its cost there, including the freight. Do you see?

Mr. CARTER. You want the Government to take its own medicine.

The CHAIRMAN. Yes. Now, that might require a larger appropriation at some other point; but it would relieve this item and put it on a proper business basis.

Mr. MERITT. Our people in charge of this work estimate that we save the Government approximately \$100,000 a year by taking advantage of these Government freight rates.

Mr. CARTER. Well, you ought to continue to do that.

The CHAIRMAN. This would not change that a particle.

Mr. MERITT. I understand that; I was just giving that for the information of the committee. And by saving that large amount of money, we call upon this appropriation just that much more to pay the transportation, rather than have the school pay the increased cost of the goods and the transportation, which would be paid the other way.

The CHAIRMAN. In taking the matter up with your people at the Indian Office, if you will get the total amount of coal that you bought, we can very easily determine what part of it was freight; it will be very easy to approximate the amount that was paid for freight, and that will determine to a very large extent what needs to be done

with this item. I think we will pass that information, and you can have that information to-morrow morning.

Mr. MERITT. All right.

Mr. RHODES. I want to take up something in that item before you leave it. But I will not discuss it now if you are going to defer consideration.

The CHAIRMAN. I was only going to defer this coal proposition, so you may as well proceed.

Mr. RHODES. Here is the proposition: On page 14, lines 2 and 3, it provides:

That no part of the sum hereby appropriated shall be used for the maintenance of to exceed three warehouses in the Indian Service.

I will read to you from the hearing in volume 15, at page 120, where Mr. Sells, the commissioner, made a statement with regard to the maintenance of these three warehouses, and to be entirely frank, it did not take me long to decide that I saw no good reason—I could see a reason, but I can see no good reason—why three warehouses should be maintained. Mr. Sells had this to say:

I am always open to consider that question. I am not adverse to one warehouse. I have thought sometimes that it was desirable. I am not, however, necessarily disposed to place it west of the Mississippi River. I do not know the best place. If the committee thinks it is desirable to confine our warehouse to one city, I would not antagonize the suggestion.

I recall that Mr. Meritt stated, in his opinion, the advantage arising to the Government on account of freight rates largely justified the maintenance of these warehouses. And the answer to that suggestion is this: That under the present method of buying goods from manufacturers and wholesalers, orders could be supplied and would be filled in the form of drop shipments and by other practicable methods in such a way as to relieve the necessity of assembling these particular articles of merchandise in three warehouses. Reference was made to the justification for the maintenance of a warehouse in St. Louis, because it was in the center of the shoe industry; and to the necessity for the maintenance of a warehouse in San Francisco, because it was desirably located for certain seasons; and that Chicago likewise had its advantages.

I see no good reason why one warehouse would not meet the necessities of the case and could not be maintained at a much less expense than to maintain three warehouses. And from a geographical standpoint, it seems to me that warehouse ought to be west of the Mississippi River.

Mr. CARTER. Where are the three now located—New York, Chicago, and St. Louis?

Mr. RHODES. No; Chicago, St. Louis, and San Francisco.

Mr. MERITT. We formerly had a warehouse in New York, and also one at Omaha.

Mr. RHODES. Well Mr. Sells states that the one at New York was discontinued about four years ago, on the page I cited from the hearings.

Mr. MERITT. It was discontinued because Congress directed that there should not be over three warehouses. At that time we had five, and it was necessary to discontinue two.

Mr. RHODES. Why was it necessary to discontinue those two warehouses?

Mr. MERITT. Because it was the opinion of Congress that the Indian Service could get along with three warehouses.

Mr. CARTER. Well, as a matter of fact, did not Congress pass two or three specific provisions for the discontinuance of them before it ever got them discontinued?

Mr. MERITT. I think the Indian Bureau complied with the direction of Congress.

Mr. CARTER. I think if you will refresh your memory a little you will recall that Congress first passed a provision requiring a discontinuance of two warehouses, or perhaps more, and no discontinuation of them was made. And the bureau stated that they could not discontinue any one on account of the difficulty they were having with the people representing that district of the country. Then, afterwards, as I recall, Congress passed a provision specifying which ones should be discontinued. Is that not the case?

Mr. MERITT. I think not. I think Congress specifically provided that there should not be more than a certain number of warehouses; and it was within our discretion as to where the warehouses should be discontinued.

Mr. RHODES. However that may be, I want you to assign what you regard as an additional objection to the discontinuance of two of the three warehouses. As I recall, the only reason you assigned was the question of advantage in freight rates. I would like to hear you on any additional objections you might have to my amendment.

Mr. MERITT. Our total warehouse expense amounts to \$57,351.35. For the fiscal year 1918 the total expense amounted to \$52,837.61. The rent of the warehouse at Chicago is \$4,800 per annum, at San Francisco \$2,400 per annum, and at St. Louis \$2,368.33 per annum. By the discontinuing of two warehouses we would save in rent approximately \$4,000, if that much. We would necessarily have to increase the floor space of the one warehouse, and inasmuch as we are paying less than \$5,000 rent at San Francisco and St. Louis, there would be a saving of less than that amount if the two warehouses were discontinued. Of course, there would be a small saving in the salaries of employees, but the employee force of the one warehouse would necessarily have to be materially increased.

Against the saving in rent of the two warehouses, which would amount to \$4,000 or less, we would be deprived of this advantage which we now enjoy. For example, the St. Louis warehouse is in the center of the shoe and drug industry of the United States. It is conceded that we can get better prices on these commodities by having our openings in that city. We buy a large amount of shoes and a large amount of drugs. We also buy a large amount of leather for the Indian service. If we did not have a warehouse at St. Louis a number of the bidders who now are the successful bidders in the Indian service at St. Louis would not bid at Chicago.

Mr. RHODES. Well, how do you know they would not?

Mr. MERITT. We know that by experience. Some of the bidders at Omaha and New York who were formerly successful bidders in the Indian Service, when we had warehouses in those cities, are not now bidders for Indian goods.

Mr. RHODES. Well, do not those wholesalers make prices on their products to all prospective buyers alike, and do not buyers, whether they be individual buyers, or whether they represent the Government of the United States, buy subject to freight rates?

Mr. MERITT. The fact is that our superintendents of warehouses in those cities get well acquainted with the business men of their city, and they advertise more or less our lettings to be had there, and they create a local sentiment and a local desire on the part of those bidders to submit bids.

Mr. RHODES. That goes to the question of good-fellowship—

Mr. MERITT (interposing). It creates a desire to supply us with goods and supplies.

Mr. RHODES. Do you mean to say that, because of the close proximity to the wholesaler, and because of the personal relations that are established by reason of that close proximity, they get better prices than could be obtained if they were not living there?

Mr. MERITT. No, sir; they do not get better prices; but they get offers of goods that they would not otherwise get.

Mr. RHODES. Well, that would go to the question of driving a good bargain. What I can not see is that there are any advantages to be derived, in the way of purchasing goods at lower prices, on account of the location of the warehouse, when in truth and in fact, every jobber and every manufacturer and every wholesaler always takes into account the question of freight rates when he quotes prices or makes sales, or he sells at a net price f. o. b. at the shipping point.

Mr. MERITT. In addition to St. Louis being the headquarters for certain goods and supplies that we purchase in the Indian Service, Chicago is likewise a recognized headquarters; San Francisco is also the recognized headquarters for certain goods that we use in the Indian Service—

The CHAIRMAN (interposing). Namely, what?

Mr. MERITT. Dried fruits especially; and we buy a great deal of dried fruits and canned goods. Also, those warehouses are nearer to certain Indian reservations than would be one warehouse, if we only had one warehouse in the Indian Service. Now, I concede that it is possible for the Indian Service to get along with one warehouse, and we possibly can save a small amount of money. But the saving, compared with the results that we are now getting, would be exceedingly small.

Mr. RHODES. I want you to add, before I discontinue my inquiry, your idea as to the approximate saving that would result from the discontinuance of two of these warehouses, in over-head expenses. You have mentioned the question of rent. Now, as to the salaries paid employees, the number of employees, etc.?

Mr. MERITT. The total expenses of the warehouses at St. Louis and San Francisco amount to about \$30,000 a year—the total expenses, including rent and employees at those warehouses. I think we could say that there would be a saving of approximately \$20,000 a year, in the event that those two warehouses were discontinued.

The CHAIRMAN. It would not cost any more to purchase all the goods that you purchase for all three of those warehouses in Chicago than it does to purchase those that you purchase just for Chicago now, would it?

Mr. MERITT. No, sir.

The CHAIRMAN. That much would be a saving. Now, there is another calculation that ought to go in here: The proximity of the warehouse to the railroads in each one of these three cities would have a great deal to do with the expense of moving and handling this freight. Can you give us any information as to whether or not the warehouse in St. Louis is on a sidetrack, where there is no expense for the transfer of freight from the railroad to the warehouse and from the warehouse back to the railroad?

Mr. MERITT. No, sir; the warehouse is not on a sidetrack.

The CHAIRMAN. How about the one at San Francisco?

Mr. MERITT. There is no sidetrack adjoining that warehouse.

The CHAIRMAN. Then undoubtedly a large amount of the gross amounts for the handling of the freight at those two points is made up by the transfer of freight from the railroad to the warehouse and from the warehouse back to the railroad?

Mr. MERITT. There is considerable expense in connection with the hauling.

The CHAIRMAN. And it is growing every minute. So that if Mr. Rhodes's idea were carried out and you had one warehouse in the city of Chicago, where you had sidetrack facilities, a very large amount of all three of these items could be saved?

Mr. HAYDEN. Well, does the Chicago warehouse have sidetrack facilities?

Mr. MERITT. The old warehouse did not have sidetrack facilities; and I do not think they have at this time.

The CHAIRMAN. Well, I think it would be a very good business policy to organize somewhere one warehouse which was on a main railroad, where sidetrack facilities could be enjoyed, and that a big saving would be made in that way; and I can not see where your argument is good on the question of making purchases at a lower rate, in view of the fact that, as I understand it, all of these purchases are made by bids that are opened; and I can not understand why a man in St. Louis would make a lower bid for shoes that he was going to deliver in St. Louis than for shoes that he was going to deliver in Chicago.

Mr. MERITT. The fact is that the man in St. Louis, in a number of cases, will not bid if the bids are to be opened in Chicago rather than in St. Louis.

Mr. CARTER. Why not?

Mr. MERITT. Because the matter will not be brought to his attention, and he will not take the same interest as he would if the bidding was to be done in St. Louis.

The CHAIRMAN. Well, there are a great many shoe manufacturers outside of St. Louis that could bid. We have one in the State of New York that to-day is advertised as the greatest shoe concern in the world—and they come pretty near being that. I speak of the Endicott-Johnson factory.

Mr. RHODES. Boston is also quite a shoe market.

The CHAIRMAN. Yes. I think a very small amount of money is saved by reason of the fact that you are able to get bids on commodities made in and around a certain city. I have been in business all my life, and I have always been pretty close to the point where bids were going to be opened—it did not make much difference where it was.

Mr. CARTER. I understood you to say that it would not be called to the attention of prospective bidders; that is to say, if the bids were not opened in St. Louis it would not be called to the attention of the St. Louis bidder. Let me ask you this question: Does the Indian Bureau do any advertising of these openings?

Mr. MERITT. Yes, sir.

Mr. CARTER. Well, would you not advertise them the same if you opened the bids in the city of Chicago, if you wanted the St. Louis bidders to bid?

Mr. MERITT. Yes, sir; we would send out the specifications and the advertisements.

Mr. CARTER. Well, is there anything in the contention that a man would not travel from St. Louis to Chicago, a matter of less than 250 miles, to bid on such a proposition as the Indian Bureau engages in when it makes these purchases?

Mr. MERITT. I can only speak from past experience, as to the men who have formerly bid on our goods and supplies when we had a warehouse in Omaha; a number of those people do not now bid. We have had the same experience in New York.

Mr. CARTER. Well, might it not be that the Omaha people could not really compete with such cities as St. Louis, where the real factories are?

Mr. MERITT. They did compete, however, when we had the warehouse in Omaha.

Mr. CARTER. They could compete when the warehouse was in Omaha, but perhaps not in St. Louis or Chicago.

Mr. RHODES. I want to make this further observation: The wholesale shoe dealers of the city of St. Louis are so well represented by a large number of aggressive and progressive traveling salesmen, that if an advertisement appeared in the newspapers that the Government was in the market these representatives of the wholesale houses would be very glad to go to St. Louis, Chicago, or anywhere else, to meet a representative of the Government and negotiate a contract of sale.

Mr. MERITT. I can recall, Mr. Rhodes, when a proposition was before the Indian Office to abolish the warehouse in St. Louis, that there was a very strong protest from the manufacturers and wholesale dealers in St. Louis, as well as from the commercial organizations.

Mr. RHODES. My candid judgment is that they stand for the retention of the warehouses as a matter of civic pride, as a business proposition, and because it, perhaps, gives them an advantage of a better market. But I am looking at it from the other standpoint. It strikes me that the question for this committee to consider, and the question for Congress to consider, is to afford the Government the best opportunity to buy, and at the same time save money, rather than afford St. Louis or Chicago or San Francisco special advantages on account of having warehouses located there. I am inclined to believe that if the question was fully analyzed you would find that was the situation. With all due regard to the motives actuating business men, which I concede are proper, they are looking out for themselves; they are not looking out for saving the Government money; they want to drive a good bargain.

The CHAIRMAN. What I think should be done is this: I think if Chicago should be determined upon as being the city best suited for

the purpose of the receipt and distribution of purchases for the Indian Service, a warehouse should be maintained somewhere on a main railroad, with sidetrack facilities; and it is my belief that all of the purchases could be assembled there to equally as good an advantage as they could be at two or three other points in the country, and a large part of this so-called small amount could be saved.

Mr. RHODES. That is my idea exactly.

The CHAIRMAN. And the facilities would be not only equal but better.

Mr. MERITT. May I place in the record a statement showing the freight shipments and the cost of each of those three warehouses for the fiscal year 1919?

The CHAIRMAN. Certainly.

(The statement referred to is as follows:)

Volume of business in Indian warehouses, fiscal year ended June 30, 1919.

Warehouses.	Freight shipments.			Express shipments.		
	Number.	Weight.	Value.	Number.	Weight.	Value.
		<i>Pounds.</i>			<i>Pounds.</i>	
Chicago.....	91,646	11,199,478	\$1,119,963.73	710	27,544	\$8,836.58
San Francisco.....	42,220	5,166,716	293,000.64	51	1,089	432.05
St. Louis.....	19,146	1,799,887	341,965.49	208	5,099	1,907.98
Total.....	153,012	18,163,081	1,754,929.86	969	33,732	11,176.61

Warehouses.	Packages mailed.			Percentage of increase or decrease of totals over previous year.		
	Number.	Weight.	Value.	Number.	Weight.	Value.
		<i>Pounds.</i>		<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>
Chicago.....	4,346	14,719	\$19,052.75	30.2	25.5	1.85
San Francisco.....	436	918	983.78	20.4	29.9	29.2
St. Louis.....	2,265	5,854	4,835.53	32.4	41.6	17.3
Total.....	7,047	21,491	24,872.06	23.6	28.7	8.85

	Chicago.	San Francisco.	St. Louis.	Total.
Total number of shipments (packages).....	96,702	42,707	21,619	161,028
Total weight (pounds).....	11,241,741	5,168,723	1,810,840	18,221,304
Total value.....	\$1,147,853.66	\$294,416.47	\$348,709.00	\$1,790,978.53

¹ Exclusive of coal, which was not handled through the warehouse.

² Increase.

³ Decrease.

Expense at warehouses, fiscal year ended June 30, 1919.

Warehouses.	Rent.	Light and fuel.	Employees and inspection of supplies.	Miscellaneous.	Cost of maintenance.		
					Total.	Per cent.	Per cent, 1918.
Chicago.....	\$4,800.00	\$369.70	\$18,272.88	\$4,119.83	\$27,562.41	2.40	2.38
San Francisco.....	2,400.00	13.05	7,470.64	1,472.10	11,355.79	3.85	2.54
St. Louis.....	2,368.33	396.23	13,843.02	1,825.57	18,433.15	5.29	3.66
Total.....	9,568.33	778.98	39,586.54	7,417.50	57,351.35	3.20
Total, 1918.....					52,837.61	2.68
Saving over 1918.....					4,513.74	

Mr. RHODES. Is there any other authority for the maintenance of these three warehouses except the language which appears on page 14 of the bill, which I assume was copied from the original act? That is as follows:

That no part of the sum hereby appropriated shall be used for the maintenance of to exceed three warehouses in the Indian service.

Is there any other authority of law under which the department maintains three warehouses than this provision?

Mr. MERITT. I think not.

Mr. RHODES. Well, if that is all, I shall certainly insist on striking out the words "three warehouses" and inserting "one warehouse."

(Thereupon, at 1.15 o'clock p. m., the committee adjourned until Wednesday, December 10, 1919, at 10 o'clock a. m.)

HOUSE OF REPRESENTATIVES,
Wednesday, December 10, 1919.

The committee met at 10 o'clock a. m., Hon. Homer P. Snyder (chairman) presiding.

The CHAIRMAN. Where did we stop?

Mr. RHODES. We were talking about warehouses. I thought the word "three" should be stricken out and "one" inserted.

The CHAIRMAN. Mr. Meritt has been talking to me about this other item this morning. I asked him, as you recall, yesterday to look up this matter, and he says they have not had sufficient time to go into the thing as fully as he wants to do before he makes his report on it, and he wants to wait another day, so that we will pass over that item until to-morrow and finish it then.

Now, I want to go back, if it is agreeable, to the school question again. Mr. Meritt agreed to fix up that resolution so that it could be entered in at the proper place, and I see has got one there with some memoranda on it, and I will ask him to read it.

Mr. MERITT. Mr. Chairman, I suggest that the proviso with regard to the general school support item read as follows:

Provided, That all reservation and nonreservation boarding schools with an attendance of less than 50 pupils be and is hereby ordered to be discontinued on or before the beginning of the fiscal year 1921. The pupils in schools so discontinued shall be transferred, first, if possible, to Indian day schools, State or municipal schools; second, to reservation or nonreservation boarding schools to the limit of the capacity of the said schools: *Provided further*, That all moneys appropriated for any school eliminated by this provision or for other cause shall be returned immediately to the Treasurer of the United States.

The CHAIRMAN. Now, does that fully cover the idea that the day school that has 50 pupils or less will actually be eliminated on that date?

Mr. MERITT. Yes, sir.

The CHAIRMAN. The other question that occurs to me is might it not be possible between now and the 1st of July to rush out and get a few more pupils into each one of these schools and hold them into the 50 class?

Mr. MERITT. Well, of course, where a superintendent has a capacity of 100 or 150, and during the last two or three years he has been having an enrollment of less than 50, that superintendent will natu-

rally get busy and get his enrollment up to normal so that his school will not be discontinued.

The CHAIRMAN. Enrollment does not govern in this.

Mr. MERITT. Enrollment and attendance.

The CHAIRMAN. He has got to have actually, whenever the school closes down, 50 pupils or that school is eliminated. It is not a question of 50 when he starts up, but 50 when he closes down at the end of the session.

Mr. MERITT. I understand that.

The CHAIRMAN. That is fully understood, then; because if this does not carry that proposition and if it does not act that way, we will know what to do next time.

In connection with that, I want to call your attention to the day-school proposition.

Mr. MERITT. You will recall that you suggested yesterday that you were going to have this amendment apply to the nonreservation as well as the reservation schools. I have changed this—

The CHAIRMAN (interposing). No, that would not apply. We have changed that so that it applies to the reservation boarding schools, and you also have the word "nonreservation" in there and that won't do, because that does not carry out my suggestion on nonreservation schools at all. That is a different proposition entirely and that would be limited to 100 pupils, not 50. You can not rig that one proposition to cover the two schools, unless you say, in the case of reservation schools, 50; and in the case of nonreservation schools, 100.

Mr. MERITT. It was my impression you were going to apply the same attendance to both.

The CHAIRMAN. There is nothing to that. That wouldn't get you anywhere. This nonreservation thing now only affects four schools. I will put this information in the record, at this time, about nonreservation schools. The capacity of the nonreservation schools is 7,842; attendance, 6,823; unused capacity, 1,819. If this resolution becomes a law it will eliminate 4 schools and cause the transfer of 339 pupils, which would leave a surplus capacity in the 19 schools that would be left of 1,351; so that the resolution that should be offered here would be exactly the same as that except that it would read this way:

That all nonreservation schools with an attendance of less than 100 pupils be, and hereby is, ordered to be discontinued on or before the beginning of the fiscal year 1921. The pupils in such schools so discontinued shall be transferred, first, if possible, to Indian day schools, State or municipal schools; second, to adjacent reservation boarding schools to the limit of capacity of said schools, and, after such limit is reached, to the nearest nonreservation school possessing capacity to receive them. *Provided also*, That all moneys appropriated for any school eliminated by this provision or other cause shall be returned immediately to the Treasurer of the United States.

If you can put those two together, it will be perfectly agreeable to me.

Mr. MERITT. By adding three words in this proposed amendment, you could cover that. It would then read:

Provided, That all reservation and nonreservation boarding schools with an attendance of fifty and one hundred, respectively, be and is hereby ordered to be discontinued—

The CHAIRMAN. That is all right.

Mr. MERITT (continuing) :

The pupils to be transferred, first, if possible, to Indian day schools, State or municipal schools; second, to adjacent reservation or nonreservation boarding schools to the limit of the capacity of said schools.

You will note, Mr. Chairman, that I have omitted, "And, after such limit is reached, to the nearest nonreservation school possessing the capacity to receive and care for such pupils," placing the word "nonreservation schools" after the word "reservation schools."

The CHAIRMAN. The word "nonreservation" in there was a mistake to start with. It was supposed to be reservation schools.

Mr. MERITT. I am suggesting that that language be omitted for this reason: We will discontinue some of our small schools, and it will be more desirable to place these children in nonreservation schools convenient to that school rather than in the reservation boarding schools, because the nonreservation school now is not filled to its capacity, and it is a much better equipped school than the reservation boarding school; and it will not cost the Government any more and probably will give better educational training.

The CHAIRMAN. I will say that the resolution, as drawn, was simply my first thought, and offered simply to bring out suggestions, and I am very glad to change it or alter it in any way that will make the operation of the same more agreeable and more comfortable, perhaps, with the practices of the bureau, so long as we get the desired effect.

Mr. ELLSTON. Would it be in order now to move that the amended draft, to include both reservation and nonreservation schools, be adopted?

The CHAIRMAN. Just a minute. I want to see if we can not include this all in there and get it into one. Yesterday afternoon I made a study of the Indian day schools, and I think the members of the committee who have not examined the list would be startled if they would examine it to see the situation that exists. For instance, there are probably 10 schools that are being kept up where probably not more than six pupils are being taught. One or two of them have two teachers on the roll at \$800 and \$1,200 and, of course, they get, in addition to that, the bonus. Now, there are probably 20 of these day schools that have less than 10 pupils, and it seems to me that we ought to make a move in the same direction on these schools as we have on the reservation and nonreservation schools. I may be entirely wrong about that, but it doesn't seem to me that it would be the policy of the department to run a school for six pupils. I would like to hear from Mr. Hastings on that. He is as familiar with the educational question as anybody can be.

Mr. HASTINGS. I heartily agree with the chairman. I do not think any school should be maintained with six pupils.

The CHAIRMAN. Just look over this list. [Exhibits list.] Here are the day schools; here is the average attendance, the teachers, and the salaries paid. There are any number that run from 5 to 10. I can conceive of starting a school in a district with no pupils, but after it has been given a reasonable trial I do not think it should be maintained with so few pupils.

Mr. HAYDEN. That problem has been met in the States where public schools have been established by providing a minimum attend-

ance. In my State there is a law that any public school must be continued for eight months in a year, and the teacher gets a minimum salary of a hundred dollars a month. I do not remember what is the minimum number of pupils, but it seems to me that the rule we should follow would be the rule generally adopted by the States with respect to small public schools. We ought to be able to determine that by inquiry of the Bureau of Education and see just what the States have done to meet a similar situation with regard to the education of the white children.

The CHAIRMAN. I think that is a splendid suggestion. I want to say that I have been a member of this committee now for—this is the fifth session, the fifth bill. There has not been up to this time, to my knowledge, any elimination of any schools, no matter how few or how many there were or what the situation concerning them happened to be. We have gotten into this matter, and I believe we are showing the bureau that it is a situation that had not been conceived of before, and I am satisfied when it is brought to their attention that they will not want to continue schools that do not carry more than 10 or 12 pupils.

Mr. MERITT. That has been our general policy, but it has not been followed during the past three or four years because of the war conditions. It has been our general policy to discontinue day schools where they have an attendance of less than 10, but because of the unusual conditions prevailing during the last four or five years we have not followed that very closely.

The CHAIRMAN. Is there any condition that you can think of where it ought to be necessary to have two teachers at a school where only 10 or 12 pupils are in that school?

Mr. MERITT. At these small day schools we usually have one teacher and one housekeeper, and the housekeeper furnishes the noonday meal for the Indian children.

The CHAIRMAN. Well, that explains it, then. I could not see why it was necessary to have two teachers.

Mr. RHODES. Mr. Chairman, I would like to ask a question. Mr. Meritt, has the bureau, under existing law, authority to transfer pupils residing in a district in which the minimum attendance might fall below 10 to other schools on the reservation?

Mr. MERITT. At these day schools the children usually live at home and attend the day school in the community.

Mr. RHODES. I understand that; but have you the authority to pick these children up and send them somewhere else in the event you find it would pay to do that rather than maintain a school where the minimum average attendance would not exceed, say, 10?

Mr. MERITT. If they were sent somewhere else, they would be sent to boarding schools. We have authority to send them elsewhere within the State and we are now drafting legislation that will give us authority to send them elsewhere.

Mr. RHODES. Now, in our State we have a law which provides for separate schools for colored children. That law authorizes the discontinuance of all colored schools when the average daily attendance falls below 10, I believe. Then there is another provision, authorizing the county superintendent to provide for the education of those children by having their pro rata share of the public-school fund

transferred to some other district to which they might be sent. Of course, that is equitable and, it seems to me, gives the children an opportunity to attain an education; so that my knowledge of school affairs causes me to say that it is certainly impractical to undertake to maintain a school where the average daily attendance falls below, say, a minimum of 10.

Mr. MERITT. I can say that that is a correct view of the matter.

Mr. RHODES. Even though only one teacher should be maintained.

Mr. HASTINGS. Mr. Meritt, do any white children attend any of the Indian schools, a list of which I have here?

Mr. MERITT. In some cases, they do.

Mr. HASTINGS. I thought maybe that was the reason why some of these schools were maintained, and I thought maybe the department had an arrangement whereby they paid part of the expense.

Mr. MERITT. In some of the Indian schools we permit the children of the employees to attend the schools with the Indian children.

Mr. HASTINGS. Do you permit any of the whites who live in a community, other than the children of the employees, to attend?

Mr. MERITT. We do in cases where there are no other school facilities.

Mr. HASTINGS. But you do not encourage it?

Mr. MERITT. No, sir.

Mr. HASTINGS. Then, generally speaking, you would say no white children are in these schools.

Mr. MERITT. Generally speaking, that is correct.

Mr. HASTINGS. I am not familiar with the present law in Oklahoma, but my recollection is that we do not maintain any schools there where the attendance is less than 15.

Mr. MERITT. Because of the scattered population on these Indian reservations, I believe it would be unwise to eliminate schools with an attendance of 10 or over.

Mr. HASTINGS. You think, then, that the minimum ought to be not less than 10.

Mr. RHODES. It seems to me the question of fixing the minimum should depend more upon the cost of maintenance as compared to what it might cost the Government to offer equal opportunities to the children for education by some method of transfer.

Mr. MERITT. I was just thinking that it would cost the Government more money to educate these children in the boarding schools than it would to continue to maintain these day schools with the small attendance.

Mr. RHODES. Well, that is where you want to draw the line. If you can educate 10 children cheaper by maintaining a school than by transferring them to other schools, then that certainly should be the thing to do, but if it would cost more to maintain a school in which the average daily attendance might not exceed 10 than to give the children the same advantages elsewhere, then the school should be discontinued.

Mr. MERITT. Mr. Chairman, on these day schools I think we should add to the proviso heretofore read, relating to reservation and non-reservation schools, the following:

And provided further, That all day schools with an attendance of less than 10 are hereby ordered to be discontinued on or before the beginning of the fiscal year 1921.

Mr. RHODES. I think some other word should precede the word "attendance," for the reason that it might not be generally known just what is meant by that form of expression. Suppose you have 12 students attending one day and the next day five, and that throughout the year the average daily attendance would fall from the maximum daily attendance to five. It strikes me that should be inserted.

The CHAIRMAN. Say "average."

Mr. RHODES. It strikes me the word "average" should go in there.

The CHAIRMAN. That meets my idea of the situation, if it does the rest. If so, Mr. Ellston, if you will repeat your motion.

Mr. ELLSTON. I move you, then, Mr. Chairman, that this amendment as read and revised be adopted and be inserted in the bill at the proper place heretofore indicated.

Mr. MERITT. The proper place would be on page 10, at the end of line 7.

The CHAIRMAN. Is there anything further to be said on the motion? Then, all those in favor will say "Aye." The motion is carried.

That brings us to page 14, line 5. The clerk will read:

(Whereupon the clerk of the committee read as follows:)

TELEGRAPHING AND TELEPHONING.

For telegraph and telephone toll messages on business pertaining to the Indian Service sent and received by the Bureau of Indian Affairs at Washington, \$8,000.

Mr. MERITT. For the purpose of the record, Mr. Chairman, I will read our justification for that item:

Telegraphing and telephoning, Indian Service.

Fiscal year ending June 30, 1920, amount appropriated----- \$8,000.00

Fiscal year ended June 30, 1919:

Amount appropriated----- 8,000.00

Amount expended----- 7,190.48

Unexpended balance----- 809.52

This item is required for the purpose of defraying expenses arising in the transmission of official telegrams to and from the Indian Office and the payment of telephone tolls incident to the transmission of such messages to points at remote distances from telegraph offices. The majority of the Indian reservations and schools are located west of the Mississippi River, and in the course of transacting Indian Service business it becomes necessary to have recourse to the telegraph in matters which will not brook of delay, especially since the administration field points are at isolated places and communication by mail would be unsatisfactory in urgent cases.

The CHAIRMAN. Does anybody want to ask any questions on that? If not, we will go on to the next.

The clerk will read, page 14, line 10.

(Whereupon, the clerk read as follows:)

COURT COSTS.

For witness fees and other legal expenses incurred in suits instituted in behalf of or against Indians involving the question of title to lands allotted to them, or the right of possession of personal property held by them, and in hearings set by the United States local land officers to determine the rights of Indians to public lands, \$1,000: *Provided*, That no part of this appropriation shall be used in the payment of attorneys' fees.

Mr. MERITT. I offer for the record the following justification:

Court costs, etc., in suits involving lands allotted to Indians.

Fiscal year ending June 30, 1920, amount appropriated	\$1,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated	1,000.00
Amount expended	603.50
Unexpended balance	396.50
Analysis of expenditures:	
Traveling expenses	10.05
Recording fees, legal expenses, etc	307.45
Outstanding liabilities	286.00
Total	603.50

This item of court costs includes witness fees and other minor expenses of suits instituted for the proper protection of the land and other property of the Indians, and also includes the expenses in hearings before United States land officials to determine the rights of Indians to public lands. However, no part of the item is to be used in the payment of attorney fees.

In many cases where Indians claim allotments or homesteads on the public domain whites contest the same on the grounds of prior settlement. This necessitates a hearing before the local land office to determine the rights of the respective parties, and witness fees must be paid and traveling expenses incurred, etc., in order to determine the facts and properly protect the interest of the Indians.

In many cases it is necessary to request the Department of Justice to represent the Indians in suits based on contests of this character, or in the State courts when title to an Indian allotment has been clouded by reason of attempted conveyance obtained fraudulently or otherwise, for which the Department of Justice has no specific fund available.

The CHAIRMAN. Any questions? Go on to the next one.
(Whereupon the clerk read the following:)

EXPENSES OF INDIAN COMMISSIONERS.

For expenses of the Board of Indian Commissioners, \$10,000.

Mr. MERITT. We offer the following justification:

Expenses of Indian Commissioners.

Fiscal year ending June 30, 1920, amount appropriated	\$10,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated	10,000.00
Amount expended	9,790.88
Unexpended balance	209.12
Analysis of expenditures:	
Salaries, wages, etc	5,842.00
Traveling expenses	3,180.18
Telegraph and telephone service	14.03
Stationery, printing, schoolroom supplies	105.07
Equipment and miscellaneous material	7.00
Outstanding liabilities	642.60
Total	9,790.88

There is established under authority of law a body of public-spirited citizens known as the Board of Indian Commissioners, the members of which are appointed by the President, and serve without compensation. The board is independent of any bureau or department and its functions are to make investigations on Indian reservations, to cooperate with the Commissioner of Indian Affairs in the purchase and inspection of Indian supplies, and to make recommendations having for their purpose the advancement of Indian civilization.

The traveling expenses of the members of this board, who as above stated serve without compensation, together with the salary of the secretary to the board and miscellaneous expenses, are met from this appropriation, which is the only one available for the purpose.

The CHAIRMAN. I would like to ask one or two questions with regard to that myself. Does this commission function, and does it recommend propositions to the Commissioner of Indian Affairs?

Mr. MERITT. Yes, sir.

The CHAIRMAN. To what extent?

Mr. MERITT. The Board of Indian Commissioners has been quite active in recent years. The members of the commission, during the year, visit the various Indian reservations and submit their reports and recommendations.

The CHAIRMAN. How frequently are the reports of the commission adopted by the commissioners?

Mr. MERITT. The Commissioner of Indian Affairs and the employees of the Indian Bureau always review carefully the reports of the Board of Indian Commissioners and we frequently find in these reports and recommendations suggestions of value in the administration of Indian affairs.

The CHAIRMAN. Does the bureau—and when I speak of the bureau I mean the commissioner and his assistants—approve of this expenditure?

Mr. MERITT. We have submitted statements to the effect that we believe that as long as the board cooperates with the Indian Bureau in a spirit of helpfulness its services can be of value to the bureau.

The CHAIRMAN. That is what I am trying to find out. You say "it can be." I want to know if it is.

Mr. MERITT. It is at the present time.

The CHAIRMAN. Is it worth \$10,000?

Mr. MERITT. Yes, sir.

The CHAIRMAN. The recommendations that they present to your bureau, that are studied and adopted by you are worth the time it takes to study them and adopt them?

Mr. MERITT. Yes, sir.

The CHAIRMAN. And the bureau thinks the expenditure of \$10,000 is well spent and is an assistance in the operation of the bureau?

Mr. MERITT. Yes, sir.

The CHAIRMAN. As I understand it, this commission is supposed to be wholly in the welfare of the Indian.

Mr. MERITT. That is true.

The CHAIRMAN. And you are satisfied that they ought to be retained?

Mr. MERITT. As long as the Board of Indian Commissioners are cooperating with the Indian Bureau, yes.

The CHAIRMAN. Well, are they? You say they are cooperating now?

Mr. MERITT. In line with their present policy, we believe that this appropriation should be carried in the Indian Bill.

The CHAIRMAN. Do you think that the Board of Indian Commissioners was cooperating with you in a peaceful, harmonious, and helpful way when they presented this petition and these letters from the superintendents of the various reservations in which the department was pretty thoroughly criticized adversely?

Mr. MERITT. I think that was a rather unfortunate action on the part of the Board of Indian Commissioners, for the reasons that the report of the field officers had not been thoroughly analyzed and digested and wrong conclusions were obtained as a result of the submission of that report.

The CHAIRMAN. It has occurred to me that where you are furnishing money to a committee to practically, and when I say practically I say it advisedly, practically find fault with the management, it very rarely turns out to be a good thing, and in this case here, I have not seen, since I have been connected with Indian Affairs, any action on their part that seemed to be really in sympathy with the Bureau, and it has been a question in my mind whether this thing ought to be continued or not. I am perfectly willing to spend the money, if it is helping.

Mr. MERITT. The present secretary of the board is a great improvement over the officer in that capacity in past years.

Mr. RHODES. Who is the present secretary?

Mr. MERITT. Mr. McDowell.

Mr. RHODES. How many members are there on that commission?

Mr. MERITT. There are nine.

Mr. RHODES. Who are they?

Mr. MERITT. The following is a list of the men comprising the Board of Indian Commissioners:

George Vaux, jr., Philadelphia, Pa., chairman.

Merrill E. Gates, Washington, D. C.

Warren K. Moorehead, Andover, Mass.

Samuel A. Eliot, Boston, Mass.

Frank Knox, Manchester, N. H.

William H. Ketcham, Washington, D. C.

Daniel Smiley, Mohonk Lake, N. Y.

Isidore B. Dockweiler, Los Angeles, Calif.

Hugh L. Scott, Princeton, N. J.

Secretary, Malcolm McDowell, Washington, D. C.

Mr. RHODES. Do these commissioners visit the reservations?

Mr. MERITT. They do.

Mr. RHODES. What particular suggestions have these commissioners offered the Indian Bureau that you have found practical and helpful within the past year? What particular things have this commission suggested to the bureau that you have found practical and helpful during the past year?

Mr. MERITT. They have visited a number of the Indian reservations and they make reports on every reservation they visit.

Mr. RHODES. The thought that strikes me is that it is very desirable for these bureaus to get the advice of prominent and patriotic citizens who would not be under the influence of any position they might hold or because of any remuneration they might receive. I would be more inclined to rely upon the report of a man occupying such a position than I would on the report of a fellow who is dependent upon his job.

The CHAIRMAN. Mr. Rhodes, I think it is a fact that you will find, upon investigation, that these gentlemen do not visit the reservations very frequently. They depend almost entirely upon their secretary, Mr. MacDowell, who is, I understand, very capable and a

very fine man, but from what I can learn, it seems to me that he does all the investigating.

Mr. RHODES. It is a fact, Mr. Chairman, that all those on the commission can not visit many of the reservations on an appropriation of \$10,000, but suppose they have one efficient man, and a man they could rely upon, and who makes an impartial investigation and sends in his reports. That might be worth as much as any suggestions directly from the commission itself.

The CHAIRMAN. There is no trouble about the reports of this commission. They make voluminous reports and they do quite a lot of work, but I think it is quite largely done by the secretary. I just wanted to find out, not with any idea of cutting the appropriation out, I just wanted to find out, if we could, what they actually did, and whether it was of real service to the bureau or not—whether it is simply a mutual admiration society that met occasionally and did not really do much good. If we have discovered that they do good, all right.

Mr. ELLSTON. I rather have an idea that the \$10,000 a year, if used to employ two experts at \$5,000 each, would probably do more practical good than this Board of Indian Commissioners, because the secretary of the board is the only man consistently on the job and who could keep things going consistently, but I feel that we ought to go into the matter very carefully before doing anything drastic. Eventually, if we get down to real economizing, we can use this \$10,000 to supply the same function as the board and supply it more efficiently. That would cut out the honorary appointment of a great many prominent men throughout the country interested in the general good, but who are not doing any practical work. I say that provisionally; I do not know.

The CHAIRMAN. All right; let us go on to the next item. Page 14, line 21.

(Whereupon the clerk read as follows:)

PAY OF INDIAN POLICE.

For pay of Indian police, including chiefs of police at not to exceed \$50 per month each and privates at not to exceed \$30 per month each, to be employed in maintaining order, for purchase of equipments and supplies, and for rations for policemen at nonration agencies, \$200,000.

Mr. MERITT. I offer for the record the following justification:

Pay of Indian police.

Fiscal year ending June 30, 1920, amount appropriated-----	\$200, 000. 00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	200, 000. 00
Amount expended-----	191, 445. 61
Unexpended balance-----	8. 554. 39
Analysis of expenditures:	
Salaries, wages, etc-----	149, 138. 84
Subsistence supplies-----	14, 332. 37
Dry goods, clothing, etc-----	8, 117. 89
Forage-----	6, 466. 05
Fuel, lubricants, power, and light service-----	1, 056. 38
Equipment and miscellaneous material-----	1, 892. 45
Miscellaneous-----	88. 21
Outstanding liabilities-----	10, 353. 42
Total-----	191, 445. 61

This appropriation is in the same amount as allowed in previous years and is required for the pay and salaries of police, filled by Indians, and the purchase of subsistence, police uniforms, equipment, etc.

These employees are indispensable to the proper maintenance of law and order on Indian reservations, which involve large areas and require frequent patrolling, without whose assistance the superintendents in charge of the reservations would be seriously handicapped, in view of the fact that the jurisdiction of the State authorities is limited on Indian reservations. In addition to regular police duties these men are called upon to assist in securing the regular attendance of Indian pupils in day schools, and act as couriers in emergencies, etc.

The maximum salary paid chiefs of police is \$50 per month and \$30 for privates, though few receive the maximum pay in view of the limited appropriation. It is becoming more difficult each year to secure good men for this service in view of the high wages now being paid Indians in other lines of work in the several States. Without the issuance of subsistence to many of these police, in addition to forage for their horses and police uniforms, it would be almost impossible to secure men under present conditions.

The full amount requested will be required for the purpose stated during the next fiscal year under present conditions.

The CHAIRMAN. Has anybody any questions to ask on that? If not, the clerk will read the next item.

Mr. MERITT. We have 548 Indian police throughout the Indian country.

The CHAIRMAN. Page 15, line 3.

(Whereupon the clerk read as follows:)

PAY OF JUDGES OF INDIAN COURTS.

For pay of judges of Indian courts where tribal relations now exist, \$8,000.

Mr. MERITT. I offer for the record the following justification:

Pay of judges, Indian courts.

Fiscal year ending June 30, 1920, amount appropriated.....	\$8,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated.....	8,000.00
Amount expended.....	6,971.53
Unexpended balance.....	1,028.47
Analysis of expenditures:	
Salaries, wages, etc.....	6,360.43
Outstanding liabilities.....	611.10
Total.....	6,971.53

By reason of the fact that the jurisdiction of the Federal courts over offenses committed by Indians on reservations is limited, it was found necessary a number of years ago to meet the deficiency by establishing what is known as courts of Indian offenses in order to handle violators of law and order who otherwise would go unpunished. These courts are established under authority of the Secretary of the Interior and the annual appropriations made for the purpose, and have proven most helpful to the superintendents in meting out punishment to offenders. These tribunals have the respect of the majority of the Indians, who, as a general rule, accept with better grace sentences imposed upon them by members of their own tribes than were the superintendents to sit in judgment. The courts also follow, as far as practicable, the procedure of the State courts of similar jurisdiction, and serve to train the Indians in the duties of good citizenship.

The salaries of the judges range from \$3 to \$7 per month, and while the Indian Office regulations prescribe courts consisting of three members it has not been possible on all reservations to allow the full number by reason of the limited appropriation. The unexpended balance shown for 1919 is due to the fact that a number of the positions authorized for the Indian Pueblos in New Mexico were not filled during that year and to savings in vacancies occurring which could not be promptly filled.

The CHAIRMAN. Has anyone any questions?

Mr. MERITT. We have 85 Indian judges throughout the Indian Service.

The CHAIRMAN. This is not a continuing appropriation?

Mr. MERITT. This appropriation has been carried in the Indian bill for a good many years.

The CHAIRMAN. I mean the surplus can not be used over.

Mr. RHODES. Just a question. I want to know if these Indian judges have jurisdiction over the Indian reservations outside of the Five Civilized Tribes.

Mr. HASTINGS. None of the Five Civilized Tribes.

Mr. RHODES. They exercise jurisdiction over the Indians on reservations?

Mr. MERITT. Yes, sir.

Mr. RHODES. Don't the State courts have jurisdiction over Indians and white people alike in the respective States?

Mr. MERITT. No, sir. They are noncitizens; the Indians are wards of the Government.

Mr. RHODES. So that if a man should be charged with homicide—I mean if an Indian be charged with murder, he would not be subject to the law of the State in which the alleged offense was committed, but would be tried, under Federal authority, by one of these Indian judges?

Mr. MERITT. No, sir. The Indian judge would not have jurisdiction in criminal cases.

Mr. RHODES. To what is the jurisdiction of one of these Indian judges limited?

Mr. MERITT. The jurisdiction of an Indian judge is somewhat limited. It applies to minor offenses committed on the Indian reservations. Their duty is to teach the Indians good citizenship and law and order. When an Indian gets drunk, for instance, on an Indian reservation, he is taken before one of these Indian judges and that Indian judge might fine him or send him to jail for a limited time.

Mr. RHODES. They are more in the nature of probation officers, then?

Mr. MERITT. Yes, sir.

Mr. RHODES. Are they judges of courts of record?

Mr. MERITT. They are supposed to keep a record of their proceedings, but they are somewhat crude. These judges are very helpful to the Indian Service in maintaining law and order, and they take pride in filling those positions and being recognized as leaders among their people.

Mr. RHODES. Suppose the judges should be discontinued, then would you say there is no authority left on the reservations to deal with that class of offenses?

Mr. MERITT. Not at all. In the event that the Indian judges were discontinued, that authority would then vest in the superintendent and he would exercise the authority now exercised by the Indian judges, but we feel it is helpful to have these Indian judges, because it is a lesson in citizenship and in government and they are very helpful in maintaining law and order on the Indian reservation.

Mr. RHODES. So, then, with the farmer to teach the Indian farming, with the matron to teach domestic science, and the probation

officer to regulate the conduct of the individual, the Indian must be pretty amply provided for.

Mr. ELSTON. The chairman brought up a moment ago the question of the surplus lapsing into the Treasury of the United States—any unexpended balance under this appropriation. Have you made a list of the aggregate amount of lapsed appropriations not used for the last fiscal year?

Mr. MERITT. I haven't a list before me, but I could have it prepared from the books.

Mr. ELSTON. Do you know how much that amounts to? Does it vary greatly?

Mr. MERITT. It varies; yes, sir.

Mr. ELSTON. You don't know whether it will amount to \$100,000, or \$200,000, or what?

Mr. MERITT. On June 30, 1919, \$605,573.10 was turned into the surplus fund in the Treasury.

The CHAIRMAN. Anything further? If not, we will pass to the next one. Page 15, line 16. The clerk will read.

(Whereupon the clerk read as follows:)

GENERAL EXPENSES OF INDIAN SERVICE.

For pay of special agents, at \$2,000 per annum; for traveling and incidental expenses of such special agents, including sleeping car fare, and a per diem of not to exceed \$3.50 in lieu of subsistence, in the discretion of the Secretary of the Interior, when actually employed on duty in the field or ordered to the seat of government; for transportation and incidental expenses of officers and clerks of the Office of Indian Affairs when traveling on official duty; for pay of employees not otherwise provided for; and for other necessary expenses of the Indian Service for which no other appropriation is available, \$135,000: *Provided*, That \$5,000 of this amount shall be immediately available: *Provided further*, That \$15,000 of this appropriation may be used for continuing the work of the Competency Commission to the Five Civilized Tribes in Oklahoma: *Provided further*, That not to exceed \$500 of this amount may be used in the purchase of law books for the Indian Bureau.

Mr. MERITT. I offer for the record the following justification:

General expenses, Indian Service.

Fiscal year ending June 30, 1920, amount appropriated-----	\$135,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	130,000.00
Amount expended-----	126,357.37
Unexpended balance-----	3,642.63
Analysis of expenditures:	
Salaries, wages, etc-----	83,429.22
Traveling expenses-----	28,502.93
Transportation of supplies-----	364.27
Telegraph and telephone service-----	1,053.86
Stationery, printing, schoolroom supplies-----	187.38
Subsistence supplies-----	14.80
Forage-----	595.28
Fuel, lubricants, power, and light service-----	4,001.09
Medical supplies, etc-----	55.55
Live stock-----	310.00
Equipment and miscellaneous material-----	4,922.00
Rent of buildings-----	300.00
Miscellaneous-----	509.12
Outstanding liabilities-----	2,111.88
Total-----	126,357.37

This appropriation, as the title indicates, provides for the meeting of expenses arising in the administration of Indian affairs for which no other funds are available or applicable, and is in fact one of the most important items in the Indian bill. Among the principal items of expense chargeable to this fund are the traveling expenses of the Commissioner of Indian Affairs and assistant commissioner and employees of the office when traveling on official business in the field; salaries and expenses of special agents of the office; pay for clerical assistance at agencies; and for the general expenses of the Indian Service when no other fund is available. The special agents, who are constantly in the field, are required to make regular and special investigations at the many Indian agencies and schools, and to submit reports covering such investigations with their recommendations. These agents also assume administrative charge of Indian schools, and agencies where vacancies occur through resignations, transfers, and dismissals.

Frequently, it becomes necessary, by reason of limited appropriations for some of the reservations, to draw upon "general expenses" to provide additional clerical assistance in cases of extra heavy work at a number of the agencies. There are also a number of agencies not specifically provided for, the expenses of which are met from this fund. Moreover, many unusual and unforeseen matters arise, requiring the expenditure of funds, which could not otherwise be attended to were this fund not available.

The entire amount estimated will be required for the fiscal year 1921.

Practically all law reference textbooks of the Indian Office are antiquated, obsolete, and of little if any value. New and up-to-date works on real and personal property, wills, descent and distribution, legal dictionaries, evidence, law treaties on oil and gas, metalliferous minerals, and many other books of reference are sorely needed. The Federal Reporter volumes are four years in arrears and the United States reports are not up to date. With the authorization of the amount asked for it is believed the law library can be brought up to date.

The CHAIRMAN. Mr. Meritt, why do you ask that the \$5,000 be made immediately available?

Mr. MERITT. At the end of each fiscal year we have found by experience that there are a number of demands upon the Indian Service, and we like to have a small fund that we can use, if the appropriation is exceeded before the close of the fiscal year.

The CHAIRMAN. Now, do you think that is absolutely necessary?

Mr. MERITT. We have found it to be exceedingly convenient to have this money, but it is not absolutely necessary.

The CHAIRMAN. Then I prefer to strike that out, because we will get into trouble with it.

Mr. ELLSTON. That is not new legislation, from the character of the print.

The CHAIRMAN. Was that item in last year and allowed?

Mr. MERITT. Yes, sir.

The CHAIRMAN. I am perfectly willing to leave it in, but I am afraid that it can be struck out by somebody on the floor raising a point of order against it. They do that regularly on these "immediately available" appropriations.

Mr. RHODES. You apparently anticipate a deficiency at the close of the coming fiscal year. Suppose a question should be asked as to what particular emergency has arisen under which it became necessary to incur expenses for which no money was available.

Mr. MERITT. For example, the Indians may be in distress, and it may be necessary to furnish goods and supplies to them immediately to relieve that distress. An Indian may be at the point of death and in need of an operation and we may have to exceed the appropriation available, and we would then fall back on this emergency.

Mr. RHODES. In the past have such occasions arisen?

Mr. MERITT. Yes, sir.

Mr. ELSTON. Is this the only amount that could be drawn upon for emergency purposes in the case of want of funds in any of the items in the bill?

Mr. MERITT. Yes, sir. For example, if the appropriation for "Relief of distress" was exhausted, and we would have a condition such as I have just suggested, we would naturally fall back on this appropriation.

Mr. ELSTON. Would that be to pay obligations incurred prior to the end of the fiscal year or holdover emergencies that you want to attend to immediately after July 1?

Mr. MERITT. It would apply to emergencies arising at the end of the fiscal year when the other appropriations are exhausted. If it should occur at the beginning of the fiscal year, the other appropriation would be available. Therefore, it would not be necessary to use this appropriation.

Mr. ELSTON. That seems to me a very small amount for such an inclusive purpose.

The CHAIRMAN. Well, shall we leave it in?

Mr. ELSTON. I don't think it is unreasonable at all.

Mr. RHODES. It is certainly not an excessive amount if it is necessary.

Mr. MERITT. We find it necessary.

The CHAIRMAN. I think we can defend it. The next question is this \$500 for the purchase of law books for the Indian Bureau.

Mr. MERITT. We are not asking for an increase in this appropriation, but simply asking that we be given authority to use \$500 of this appropriation for that purpose.

Mr. ELSTON. Don't you think the language of the section as carried in the bill heretofore is inclusive enough to authorize the use of that money for that purpose?

Mr. MERITT. The Chief of our Finance Division has held that it is not sufficient authority. I have always thought that if we would go ahead and use this appropriation no questions would be asked, because it is sufficiently broad to cover that.

Mr. ELLSTON. It says:

For the necessary expenditures of the Indian Service for which no appropriations are available.

Mr. MERITT. But as long as the accounting office has questioned our authority we thought it desirable to get specific authority.

The CHAIRMAN. In the appropriations for the sundry civil bill for the pay of the bureau did they include items that would permit of the purchase of books or materials that you would have to use in the conduct of the business?

Mr. MERITT. There is an item carried in the sundry civil bill for the Interior Department, amounting to about \$1,000, out of which we have been able to get a small amount heretofore, which they have cut down to \$50 each year for several years, and it is impossible for us to keep up our law library with that small amount.

The CHAIRMAN. The point I see now is that undoubtedly the Appropriation Committee has thought it was providing for just such a situation as this, and whether we ought to go on and appropriate for items here which it has been the practice to appropriate for by another committee is the question.

Mr. RHODES. Mr. Meritt, let me ask you this question: Suppose this committee struck out the language, beginning with the colon on line 21 and on down to and including line 23, and then it became necessary for you to buy these new law books, don't you think somebody in the Interior Department could find some appropriation that could be used for that purpose?

Mr. MERITT. We haven't heretofore.

Mr. RHODES. Suppose it became absolutely necessary to have these books and you had no appropriation; don't you think you could find some fund to be used for that purpose?

Mr. MERITT. No, sir: because our accounting officers have objected.

Mr. RHODES. Couldn't they change their ruling on that question under the existing law? They ought to be willing to accommodate their views to the facts in the case.

Mr. MERITT. If the committee will indicate that it is their opinion that this legislation is sufficiently broad to buy law books out of that appropriation, we will go ahead and buy law books.

Mr. KELLY. This is subject to a point of order, is it not?

Mr. MERITT. I think not.

Mr. ELLSTON. It is not a new appropriation. It is to meet a possible expenditure which might be construed as authorized now.

Mr. MERITT. Simply an authorization to spend \$500 of the amount herein authorized.

Mr. KELLY. This is subject to a point of order, because it is new legislation entirely.

Mr. MERITT. I hardly think this would be considered new legislation. It is simply an authorization to use \$500 of the regular appropriation and it relates exclusively to an appropriation, but if the committee thinks we have already authority to use this appropriation, we would not incorporate it in that language.

Mr. RHODES. Well, I think the department has the authority, and I think the officer whose duty it is to interpret the laws ought to review his former decision under the law and see if he can not arrive at a different conclusion.

Mr. ELSTON. I am of that opinion, decidedly. The bureau has a law library and one of the necessary expenses of the Indian Department is to provide them the necessary equipment to do their duty and if they need these books, and it is perfectly apparent that they do, I believe the language I quoted a moment ago is inclusive enough to authorize the purchases under this fund.

The CHAIRMAN. Will you move, then, to strike out the portion you referred to?

Mr. KELLY. I so move to strike out that proviso.

The CHAIRMAN. You have heard the motion that we strike out lines 21, 22, and 23, beginning with "Provided." If there is no objection, it will be so ordered. Is there anything further along that line?

Mr. ELSTON. That \$15,000 for the competency commission for the Five Civilized Tribes.

Mr. MERITT. That provision was placed in the Indian bill at the suggestion of Representative Hastings, of Oklahoma. We had a competency commission in the Five Civilized Tribes, but we believe that in view of the new declaration of policy, which is resulting in

the removal of restrictions on every able-bodied adult Indian of one-half degree Indian blood or less that it does not require that the full \$15,000 be expended unless we find it necessary.

Mr. ELSTON. So that you changed the word "shall," as it appeared last year, to "may."

The CHAIRMAN. Mr. Hastings, will you give us your ideas about that.

Mr. HASTINGS. There are enrolled among the Five Civilized Tribes 101,506 Indians. Of these 75,000 Indians, 37,000 were originally restricted Indians. Restrictions have been removed by law and by death from 37,000, leaving approximately 22,000 restricted Indians in the Five Civilized Tribes. The tribal affairs of the Five Civilized Tribes of Indians are wound up, so that in dealing with them, you are dealing with them largely as individual Indians. Now, the Five Tribes keep a little different status from any of the other tribes in that for a hundred years and down to 1898 they managed their own affairs, had their own schools, and their own government, and we believe that a competency commission to deal with these Indians should be a special competency commission and that they should deal with them differently than from some of the Indian tribes in the West and Northwest.

For that reason, we insisted last year on the word "shall." We found that the year before we had the word "may." At that time the Commissioner of Indian Affairs did not see fit to send this commission down there for four or five months. It was not sent either in the months of July, August, or September, and they did not start in there until along about in October. Then, because of the language that was in there the year before, they would keep them there two or three weeks and maybe send them to the northwest, to some tribe away up there.

We feel, therefore, that in view of the fact that there are so many of these Indians who are certainly, taken as a whole, more competent than other Indian tribes, that the bureau ought to be required to keep the commission down there until it thoroughly went over all of those who wanted to have their restrictions removed.

Mr. KELLY. How long has this commission been in existence?

Mr. HASTINGS. About two years, and it has been there at intervals.

Mr. ELSTON. Let me ask this. Is there provision elsewhere in this bill appropriating money for a competency commission?

Mr. MERITT. There is no specific authorization for a competency commission.

Mr. ELSTON. Where is the authorization in the bill for a competency commission?

Mr. MERITT. I said there was no specific appropriation in the Indian bill for a competency commission outside of this clause. We do, however, use our inspecting officers and supervisors and special agents to do this competency work.

Mr. ELSTON. The competency commission work has been going on for several years, hasn't it?

Mr. MERITT. For several years.

Mr. ELSTON. And it has been going on with respect to the competency and removal of restrictions with respect to the Indians as a whole and not only with respect to the Five Civilized Tribes?

Mr. MERITT. Yes, sir.

Mr. ELSTON. And you regard it as a work covering the whole field?

Mr. MERITT. Yes, sir.

Mr. ELSTON. And this \$15,000 is to do the work of either your general competency force or the special commission for Oklahoma. Is that right?

Mr. MERITT. Yes, sir.

Mr. ELSTON. In this clause here, if the word "shall" be left out, would it be required that you organize a special competency commission for Oklahoma and the Five Civilized Tribes and keep it constantly employed down there?

Mr. MERITT. Yes, sir.

Mr. ELSTON. Has that been necessary heretofore in order to carry out the command contained in this clause?

Mr. MERITT. We have had a competency commission in Oklahoma practically all the time since this proviso has been in the Indian bill, with the exception of a short interval.

Mr. KELLY. How much longer will it be necessary to continue a competency commission to complete the work in the Five Civilized Tribes?

Mr. MERITT. As I stated before, the new declaration of policy with regard to turning loose all adult Indians of one-half blood or less has very materially reduced the work of the competency commission, because the Indians in that class are listed by the local superintendents and are submitted here without regard to the competency commission. That is being done now in the Five Civilized Tribes.

The CHAIRMAN. Can you state now approximately, under this new policy, how many Indians will be cut loose, as you say, within the next 12 months?

Mr. MERITT. We have in the last year eliminated from the jurisdiction of the Indian Bureau a large number of Indians.

The CHAIRMAN. I didn't get that.

Mr. MERITT. We have during the last three years eliminated from the jurisdiction of the Indian Bureau a large number of Indians, amounting to more than 10,000. We have issued fee patents during the last three years to more Indians than we issued for the 10 years prior to that time.

The CHAIRMAN. What is the possibility for the next 12 months?

Mr. MERITT. We expect to issue fee patents to approximately 5,000 Indians during the next 12 months.

The CHAIRMAN. That includes all Indians, everywhere?

Mr. MERITT. Yes, sir.

Mr. ELSTON. What proportion of that number will come from the Five Civilized Tribes?

Mr. MERITT. We have, during the last year, removed restrictions from a large number of the Five Civilized Tribes, and a considerable number will have their restrictions removed during the coming fiscal year.

The CHAIRMAN. About 5,000, you say?

Mr. MERITT. All over the United States.

The CHAIRMAN. Including all the Indians, you expect that under this new policy there will be about 5,000 Indians from whom the restrictions will be removed within the next 12 months?

Mr. MERITT. That is, of course, in addition to the 10,000 who have had their fee patents issued.

Mr. HASTINGS. Of course, this appropriation here for a competency commission for the Five Civilized Tribes does not mean that they do not want competency commissions for the other tribes. They may appoint some two or three, but if a commission goes to Oklahoma and studies the needs, the characteristics of the Indians of these tribes it is better to keep an experienced commission there that knows something about the Indians, rather than to send them from that State to the State of Washington or Oregon or California. They have made a study of the Indians out there. Indians may be competent under certain surroundings and under other surroundings they may not be.

This commission down there, as I understand it, is not an entirely separate body. They work in connection with the field clerks. The field clerk, for instance, in any particular community when the competency commission gets there is a member of that commission for that particular locality and he gives them the benefit of his knowledge and experience with the Indians, and the competency commission that is sent to Oklahoma and studies conditions there knows something about it and is much more efficient and can do better work and can be depended upon, in my judgment, more than where the personnel is changed from week to week and sent from place to place.

Mr. ELSTON. Are you willing to leave the word "may" in there?

Mr. HASTINGS. I do not believe this competency commission ought to be there except for this next year. I believe that work ought to be wound up, but I believe also the word "shall" ought to be put in there.

Mr. ELSTON. Of course, this consideration might come up. You are recommending that the Indians in Oklahoma demand special consideration by reason of special conditions, and that would apply to any other group of Indians in a special environment. We might say, in the same way, that the Indians in Wisconsin are specially located and would require special attention, and to that extent your recommendation goes to the limit of having a competency commission for each special kind of territory that has an individual characteristic of any kind. It looks to me as if this amounts to a proposition of hurrying the work in Oklahoma as a preference proposition by reason of the greater massing of Indians there and an effort to clean that up first. That is probably what it means.

Mr. HASTINGS. Let me say to you that under the act of April 26, 1906, the affairs of all these Five Civilized Tribes must be completed and these Indians must be all turned loose within a certain time, namely, 12 years from now—in 1931. Now, the purpose is to gradually remove the restrictions on as many as we can, so that there will not be so many whose restrictions will have to be removed at that time.

Mr. CARTER. I think, Mr. Chairman, that there is a phase there that should be considered on the question of "may" and "shall," and that is—

Mr. RHODES (interposing). Mr. Chairman; I think I understand Mr. Hastings's position. I would like to inquire of Mr. Meritt if, under the present policy, you put in the position of exercising your

discretion rather than to act in obedience to a mandatory provision of the law, and if are not prepared to accomplish the same purpose within the required time under your plans that Mr. Hastings stated could be accomplished under this special competency commission?

Mr. MERITT. It seems to the Indian Bureau that it is not wise legislation to compel the bureau to expend \$15,000 out of an appropriation when the same results might be obtained by the expenditure of \$10,000.

Mr. RHODES. The question is, Will the same results be accomplished under your plans, which would follow the provisions of a discretionary act, that would be accomplished in the provisions of a mandatory act?

Mr. MERITT. We are now carrying out the very policy that the Members of Congress from Oklahoma desires, namely, removing the restrictions from all competent Indians. Under that new declaration of policy, we are removing very rapidly the restrictions on all Indians of one-half blood or less, and we are getting from the superintendents applications for removal of restrictions rather frequently. A large number of Indians of the Five Civilized Tribes have had their restriction removed under that general policy, outside of the work of the competency commission. Now, the competency commission will pass on those Indians of more than one-half blood in addition to the regular work of the superintendents. It is the duty of the superintendent and the field officers in the Five Civilized Tribes to submit to the department applications for removal of restrictions on all competent Indians. Now, we are using that machinery in addition to this one competency commission that we now have in the Five Civilized Tribes.

Mr. CARTER. Mr. Meritt; how much of this appropriation is used for the competency commission; this \$135,000?

Mr. MERITT. Only a small part of it.

Mr. CARTER. Well, how much?

Mr. MERITT. I would say less than \$20,000.

Mr. CARTER. Less than \$20,000?

Mr. MERITT. Yes, sir.

Mr. CARTER. What is the balance of it used for?

Mr. MERITT. For miscellaneous items.

Mr. CARTER. I see that that is what it is, but I want to know actually what it is used for.

Mr. MERITT. Out of this we pay the salaries of special agents, traveling, and other necessary incidental expenses of these agents. We also pay for the traveling expenses of the officials in the Indian Bureau, and pay the expenses of the employees not otherwise provided for in the Indian bill. This sum is also used to meet emergencies as they arise in the Indian Service. In a large service, such as the Indian Bureau, there naturally arise a great many unforeseen contingencies, and it is necessary that we have an appropriation of this kind to meet this condition.

Mr. CARTER. How much was used last year for the Five Civilized Tribes?

Mr. MERITT. A very small part of this appropriation was used in the Five Civilized Tribes outside of the amount for the competency commission.

Mr. CARTER. I mean, how much was used for the competency commission last year?

Mr. MERITT. I would have to look up the records.

Mr. CARTER. Don't this record here show?

Mr. MERITT. No, sir.

Mr. CARTER. Was all of the \$15,000 used?

Mr. MERITT. I would have to look up the record in order to tell that.

Mr. CARTER. Now, Mr. Chairman, I want to say this about competency commissions: I do not believe there has ever been enacted in the Indian Service a better policy, and a policy more in line with the past attitude of Congress with relation to Indian matters. If there is any one thing that will solve the Indian problem and cut the expenses of the Government with reference to these matters, cut off salaries and cut off employees and reduce expenditures, it is this competency commission, and I think any man can see that at a glance, because as the Indian is graduated and declared competent the expense necessary to his supervision ends, and I really think a good deal more of this appropriation should be used for that purpose than is used. I think not less than \$65,000 should be used for that purpose, and I think it ought to be made mandatory.

Mr. ELLSTON. Would you apply it all to the Five Civilized Tribes?

Mr. CARTER. I am not speaking of the Five Civilized Tribes alone.

Mr. ELLSTON. This provision does.

Mr. CARTER. As far as this provision in the bill is concerned, it is in there and doesn't mean anything, and Mr. Meritt knows it.

Mr. MERITT. It is within our discretion.

Mr. ELLSTON. That was not the point, Mr. Carter. The point was with reference to your suggestion that a certain definite amount be directed to be expended for this work. Now, if such a clause were inserted, we all recognize that this is advisory as to whether they should spend \$15,000 now for the Five Civilized Tribes, but if such a clause were inserted, as you suggest, the question is whether it should not be put in for the general work of the competency commission rather than direct that a great portion of it shall be spent in one locality.

Mr. CARTER. There is no question about it. The point I am making is that not \$1 of this appropriation could be spent for a better purpose than for these competency commissions to declare the Indian competent when he is competent.

Mr. ELLSTON. Do you think that the point that the Five Civilized Tribes are more competent than the Indians anywhere else, and who automatically are having their restrictions removed and being declared competent, by reason of the general policy of the bureau—do you think that the major portion of the appropriation should be spent on them than on the more backward groups, where it is harder to determine competency, and that these more backward groups should be neglected? According to Mr. Meritt's statement, of the \$20,000 spent last year, \$15,000 of it—three-quarters of it—was centralized in Oklahoma.

Mr. CARTER. That is just the point I am making, that more than \$5,000 should be spent elsewhere. That at least \$15,000 should be spent in Oklahoma and a great deal more than what has been spent—

at least \$35,000—should be spent outside of Oklahoma. I maintain that these agents can not devote themselves to any better thing; that this is an actual solving of the Indian problem.

Mr. MERITT. We use other funds for the competency commission. For instance, the Secretary's inspectors are used on that work, and our supervisors—paid out of other appropriations in the bill—are used on that work.

The CHAIRMAN. I would like to say this much, that I was surprised when the assistant commissioner stated that only 5,000 Indians would have their restrictions removed within the next 12 months. I have been going along in the belief that under this new policy, where all Indians of half blood or less and all other Indians that can be declared competent would be declared competent, that we would get much more rapid action than 5,000 in a year. On that basis we would not get all the Indians unrestricted in a hundred years.

Mr. ELLSTON. Birth offsets that, doesn't it?

Mr. CARTER. I want to offer an amendment.

Mr. RHODES. I wish you would withhold that amendment for a minute. It seems to me that we have about reached a point that is going to involve a policy of the department. As I understand Mr. Meritt, he is not questioning the necessity of this service, or the actual accomplishment of the same results. The only question is that he wants the department to be allowed to exercise its discretion, instead of Congress, by a mandatory act directing the bureau to do it. Do I understand the situation?

Mr. MERITT. That is the position we take.

Mr. KELLY. Why shouldn't Congress fix the policy?

Mr. RHODES. We are about to do something that will modify or at least affect a policy of the department, and I wanted to be certain that I understood the question involved before being called upon to vote.

Mr. CARTER. Of course, a motion is open for discussion after I put it. I want to offer an amendment. I want to get something concrete.

The CHAIRMAN. All right; an amendment is in order.

Mr. CARTER. I move, Mr. Chairman, that, in view of the suggestions and discussions here, that there be an amendment as follows:

Provided further, That not less than \$50,000 of this appropriation shall be used for continuing the work of the competency commission among the Indians of the United States, and that \$15,000 shall be used in the State of Oklahoma.

The CHAIRMAN. Gentlemen, you have heard the amendment. Is there anything to be said on that motion?

Mr. ELLSTON. To have a substitute pending, Mr. Chairman, in order to make the section consistent, if the word "may" remains, I move as a substitute that this proviso, commencing with the word "*Provided*," in line 21, be stricken out, because it means absolutely nothing.

Mr. CARTER. It means absolutely nothing.

Mr. ELLSTON. I move, subject to the amendment of Mr. Carter, that that be stricken out.

Mr. HASTINGS. Mr. Chairman, if I may, I want to supplement the few remarks I made a few moments ago. I think the appointment

of a competency commission to go over all of the tribes is one of the most important things the Indian Bureau can do, and I want to strongly impress the necessity of having the competency commissions familiarize themselves with the individual Indians of that particular tribe. I do not believe you ought to have competency commissions go down to Oklahoma and have them insist that the Indians extract the square root or the cube root of a number before they can determine that that particular Indian is competent, and I believe that the commission that goes there and studies the Indians—that knows something about their past, what they have done with their property heretofore and how they have managed it—is better able to judge of the competency of these Indians and to pass upon the competency of these Indians than any commission you send in there.

Now, I am not insistent on the \$15,000 being appropriated, but I think there is plenty of work for a competency commission to do there; but if \$15,000 is not required—if that is too much—then, so far as I am concerned, I am perfectly willing that that \$15,000 be cut down to the amount that is sufficient; but certainly there is plenty of work for a competency commission to do down there during the coming year, and I think that ought to be “shall” instead of “may,” because of the past experience we have had with the Indian Bureau. As I said, year before last we had the “may” provision in there, and they did not keep the competency commission down there one-third of the time. I think they were sent down there in October instead of July, and that provision won’t mean anything with “may” in there.

Now, I am not opposed to the appointment of competency commissions for the other States and the sending of them from place to place; but, of course, you can not appoint a competency commission for each small tribe. That is impracticable. It would be too expensive; but here are, as I have stated, about 22,000 restricted Indians—plenty of work for a competency commission, and if they don’t need the \$15,000 cut down the \$15,000, but that provision ought to be mandatory. I think this is one of the most important items we have in the bill. If you are going to wind up the affairs of the Five Civilized Tribes, the best way to do it is to settle those who are competent.

Let me just explain to you how a man would have his restriction removed without the competency commission. He goes to the field clerk over in some county where a field clerk is located and has to tell him all about his business. The field clerk then reports it to the superintendent of the Five Civilized Tribes; the superintendent reports it to the proper bureau. That is passed on from there to the Commission on Indian Affairs. It then comes to the Bureau here. They prepare a report and it goes to the Secretary of the Interior, where it is either approved or disapproved, and then, through the same channels, back to the Indian.

Whereas if you have the competency commission that has along with it a field clerk who is a member of it in that particular locality, they can see these Indians and talk with them and come to a conclusion as to whether the particular Indian they talk to is competent or not. They then report direct to the Secretary of the Interior the names of those they think are competent, and when it is approved

by the Secretary of the Interior the restriction is removed. That gives much more direct action, as you can see, and is less expensive to this Government to have it done that way, rather than to have it go through all of these inferior officers of the department.

The CHAIRMAN. Well, then, do I understand your remarks to be favorable to the amendment as offered?

Mr. HASTINGS. What I want is a competency commission for Oklahoma. I want it mandatory.

The CHAIRMAN. Would you suggest to Mr. Carter that he revise his motion?

Mr. HASTINGS. No; I don't suggest that to him.

The CHAIRMAN (continuing) and cut the \$15,000 to \$10,000?

Mr. HASTINGS. If \$10,000 is sufficient, or \$7,500—whatever is sufficient.

Mr. CARTER. I think this could be done. To put it this way: Say that one competency commission shall be kept in Oklahoma for the Five Civilized Tribes, but not to exceed a certain expense. I want to insist, gentlemen, on that other proposition. I am in serious earnest about it. In reply to what Mr. Rhodes says as to this involving somewhat of a change in policy, it does not involve a change in the policy stated to us by the bureau. It does somewhat revise the policy of the Indian Bureau, and for that reason we ought to take some time to consider it, but I want Mr. Rhodes and all of us to remember that Congress and this Indian Committee is just as much responsible for the policies of our Indian Service as the bureau is itself. As a matter of fact, the bureau, as we all know, must formulate its policies under the dictates of the laws passed by Congress and the committee is the point of origin in the making of these laws, so that if you want to make progress in separating the competent from the incompetent, we have to take direct action. We have got to put this in charge of the fellow who is going to pass on the Indian's capabilities. We have got to have direct action between that fellow and the Secretary of the Interior, and that can be done only by the competency commission, and that is why it was originated by Secretary Lane, that it might be a step toward the solving of the Indian problem, and if we do not do that, Mr. Rhodes, I am afraid we are going to continue along for years and years with competent Indians under the supervision of the bureau, and pay for that supervision.

I called attention to this when I came to Congress in the interests of such fellows as Mr. Hastings and myself. When I came to Congress my allotment was restricted. I could not sell or lease my homestead allotment. We prepared a bill to remove that restriction on such fellows as us, and after a vigorous fight we had an agreement on it and, as Mr. Meritt remembers, the department passed that measure.

Mr. RHODES. Mr. Chairman, I would ask this question: Do you mean to say that in the proposed policy of the department they would not accomplish the purposes which you have pointed out?

Mr. CARTER. I think they have not. Right recently they have done more toward it than they have at any other time, but that purpose has not been accomplished. I think the very fact that they have suggested this language, that they should not be compelled to use

funds for competency commissions—that is to say that the provision should be optional rather than mandatory—expresses very plainly the department's view that they are not going to do it and that raises apprehension in my mind.

Mr. RHODES. Is it the policy of the bureau, Mr. Meritt, to retard or hasten the determination of the competency of Indians?

Mr. MERITT. It is not the policy of the department to retard removing restriction from all competent Indians. On the contrary, the department has taken the initiative in adopting and setting forth the policy of removing restrictions on all able-bodied, adult Indians of one-half blood or less, and the records of the department show that we have accomplished more during the last three years along that line than was accomplished for 10 years preceding these three years.

The CHAIRMAN. Right at that point, Mr. Meritt, you undoubtedly will admit that great pressure during the last three years has been brought to bear to bring about that state of affairs? I have recently received a letter from the Secretary of the Interior. I had some correspondence with him with regard to this matter, and he said that if we wanted to take the restriction off more Indians, "Give us the money and we will do it." This suggestion of Mr. Carter's here is where we intend to call his bluff. We intend to give him the money to do it with, and then see if he will do it or not.

Mr. MERITT. If you will pardon me, I will say that the suggestion of Mr. Carter is impractical from an administrative standpoint, so far as the wording of his amendment is concerned, and I will state later the reasons why; and I will also state the reason we are objecting to the language which compels us to use \$15,000 to accomplish this thing in Oklahoma. We have a competency commission in Oklahoma. Since this language is carried in the bill we will continue to have a competency commission in the Five Civilized Tribes, but we should not be compelled to expend \$15,000 for a competency commission when we could do that work for \$10,000.

Mr. CARTER. I agree with Mr. Meritt as to that.

Mr. MERITT. That is the objection we have to the wording in this bill. It is not from any ulterior motive on our part to retard this work. We are in sympathy with the work, and the department has taken the lead in bringing about that result, but we contend that it is a wrong policy, both from a legislative standpoint and an administrative standpoint, to have a provision in the Indian bill which compels us to spend \$15,000 when we only need to spend \$10,000.

Mr. CARTER. May I ask this question?

Mr. MERITT. Let me pursue that a little further. On the Oklahoma competency commission we have two members in addition to the regular field clerk who cooperates with the competency commission. The members of the commission will have their salaries paid, which will amount to twenty-five hundred or three thousand dollars a year; their expenses, traveling and otherwise, will not amount to more than two or three thousand dollars. Therefore, we should not be compelled to expend on that commission twice as much as their salaries and expenses require.

Mr. CARTER. Let me ask a question.

Mr. MERITT. And if the committee will cut this down to eight or nine thousand dollars and make it compulsory to expend that money, we will not have the slightest objection.

Mr. CARTER. Well, then, Mr. Meritt, why wasn't your suggestion written that way? This amendment you offered here does not mean anything. You have a right to use that amount in the Five Civilized Tribes, with or without that amendment.

Mr. MERITT. By the use of that word "may" we can spend only the amount that is necessary.

Mr. CARTER. That is begging the question. I asked you a direct question. Suppose this amendment of Mr. Ellston's prevails, haven't you the right to use \$15,000, if it is necessary, in the Five Civilized Tribes for a competency commission?

Mr. MERITT. Yes, sir.

Mr. CARTER. Then what I have said is absolutely true. It doesn't mean anything at all.

Mr. ELLSTON. That is why I moved to strike it out.

Mr. CARTER. I think the amendment we have just suggested is a good amendment. It is in the interest of economy. I do not see why that was not suggested in the beginning, and I suggest that the amendment now take this form; that, as I suggested a while ago, we provide for a competency commission in the Five Civilized Tribes, not to exceed a certain amount.

Mr. HASTINGS. That is the way it was before. They did not expend anything. We compelled them the year before.

Mr. CARTER. We propose that the amendment shall provide that they keep a commission in Oklahoma, but not to exceed a certain sum of money.

Mr. HASTINGS. Unless you make it mandatory, you will not effect the purpose.

Mr. CARTER. That would be mandatory.

Mr. ELLSTON. There is the mandatory feature to keep the commission there. They could not keep a phoney commission. They have to spend on it seventy-five hundred or eight thousand dollars, perhaps. It looks to me as if that was a direction to maintain a competency commission there.

Mr. CARTER. I think, Mr. Ellston, that Mr. Hastings did not quite catch my amendment. It was this: That a competency commission shall be maintained in Oklahoma, but not to exceed a certain amount of expenditure.

Mr. HASTINGS. Practically that same language is in there, and we changed it for the reason that that will mean what this means here, with the change suggested. They did not keep them there the year before. They concluded that they could keep them there any length of time—they could keep them there one or two days and comply with that suggestion.

Mr. ELLSTON. I would like to make this suggestion: If what Mr. Hastings says is true—and I think the committee will agree that one of the important works is to have this work of the competency commission go forward as rapidly as possible—why can't we strike this clause out of this appropriation? It is absurd to appropriate fifty thousand of a hundred and thirty-five thousand dollars for one kind of work when the justification says that this will cover every-

thing, which would mean that we have appropriated \$50,000 for some other purpose. I would suggest that we can not deal with this large matter in this section. Why not take this up for the consideration of a special section devoted to competency commission work and make a special appropriation for that work and approach it in a proper way? That is a big enough subject to take up in that way.

The CHAIRMAN. The offset for that, Mr. Ellston, is that we are providing in here an appropriation for salaries of the men who are acting on these competency commissions, which would not be chargeable to this item. That is, of course, something that would be cut out entirely if you had a separate section covering the competency commission work only, and it would seem to me that, rather than adopt your suggestion, we might better increase this item as it is here and put in the suggestion Mr. Carter makes, limiting and making mandatory the amount of money that should be spent as a whole and for competency commission for the Five Civilized Tribes.

Mr. ELLSTON. That may be a very good suggestion. I would like to know Mr. Meritt's ideas as to whether or not, by the expenditure of \$25,000 or \$50,000 more a year, the work of determining competency could be accelerated tremendously, or whether, by an administrative command to employees whom you have in the field requesting them to specialize on this particular kind of work, you could accomplish this same thing without having a special service for this particular work?

The CHAIRMAN. I would like you to include in your statement, Mr. Meritt, what would be the increased number over the 5,000 mentioned that you have proposed to release from restriction under this appropriation as it now exists by reason of an addition, say, of \$35,000. How many more Indians would you release by reason of that additional appropriation?

Mr. MERITT. I think that is a simple legislative and administrative proposition that could be worked out satisfactorily both to the Indian Committee and to the Indian Bureau. My first suggestion would be to reduce the \$15,000 to \$10,000, and in that event I would be perfectly satisfied to restore the word "shall." The reason for that is that we do not want to be compelled to expend \$15,000 when \$10,000 is all that is necessary.

Mr. HASTINGS. That would be entirely agreeable to me.

Mr. MERITT. If the committee will adopt this amendment that will remove the difficulties Mr. Hastings has brought up. Now, as to the proposition Mr. Carter proposes. In order to be perfectly frank, and with due courtesy to everyone, I will say that that is absolutely impracticable from an administrative standpoint, for this reason: Mr. Carter's amendment would require us to take out of this particular appropriation, which is one of the most important appropriations in the Indian bill, and the most urgently needed appropriation in the Indian bill, this \$35,000.

Mr. CARTER. It would require, Mr. Meritt, \$30,000 more than you had last year.

Mr. MERITT (continuing). To carry on the competency commission work. We are carrying on this competency commission work, not out of this appropriation, but very largely out of other appropriations, and for that reason his proposition is impracticable from

an administrative standpoint. I would have no objection to an amendment going into the Indian bill to the effect that we expend out of available funds \$35,000 for competency commissions.

The CHAIRMAN. That solves the whole thing.

Mr. ELSTON. That solves the whole thing and answers my question about additional appropriation. It means the use of moneys which could be reasonably used for other purposes for this particular purpose. I withdraw my amendment.

Mr. CARTER. That is all satisfactory, except that it should be \$50,000 instead of thirty-five thousand.

Mr. RHODES. I hate to vote for an appropriation unless it is absolutely necessary. If it is necessary I want to vote for it.

Mr. MERITT. Under my suggestion, Mr. Rhodes, you would not require a specific appropriation, but simply take it out of available funds and use not exceeding \$35,000 for that purpose.

The CHAIRMAN. It doesn't contemplate any additional appropriation. Gentlemen, you have heard the motion by Mr. Carter and the suggestions by Mr. Hastings and Mr. Meritt. It is now proposed that Mr. Meritt draft legislation that will be suitable to cover this amendment for the consideration of the committee. Is there any objection to that? If not, it is so ordered.

Mr. HASTINGS. May I make an inquiry? It is understood that the \$15,000 for Oklahoma will be reduced to ten, and that it will be so understood in drawing up this amendment.

The CHAIRMAN. Yes. He will bring a copy of the amendment here to-morrow.

The CHAIRMAN. Let us pass on to the next one. Page 16, line 1. (The clerk thereupon read as follows:)

INDIAN SERVICE INSPECTORS.

For pay of six Indian Service inspectors, exclusive of one chief inspector, at salaries not to exceed \$2,500 per annum and actual traveling and incidental expenses, and not to exceed \$3.50 per diem in lieu of subsistence when actually employed on duty in the field away from home or designated headquarters, \$25,000.

Mr. MERITT. I offer for the record the following justification:

Inspectors, Indian Service.

Fiscal year ending June 30, 1920, amount appropriated-----	\$25,000. 00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	30,000. 00
Amount expended-----	22,589. 88
Unexpended balance-----	<u>7,410. 12</u>
Analysis of expenditures:	
Salaries, wages, etc-----	14,056. 08
Traveling expenses-----	8,318. 21
Telegraph and telephone service-----	153. 64
Equipment and miscellaneous material-----	36. 00
Miscellaneous-----	<u>25. 95</u>
Total-----	<u>22,589. 88</u>

The inspectors of the Indian Service are the personal representatives of the Commissioner of Indian Affairs in the field, and they go from time to time to various schools and agencies, submit more or less confidential reports on con-

ditions existing at these schools and agencies, advise with superintendents and other employees, and check up inefficiencies, derelictions, etc.

They visit as many of the one hundred and forty odd bonded officers in charge of schools and agencies as may be practicable during the year, and also make special investigations of various employees, activities, etc., in the service. The inspecting corps is now filled by the appointment of all five who are provided for by law. This being the first time that all the inspectors are on duty, practically the full amount asked for, \$25,000, will be required.

The CHAIRMAN. Are there any questions on that section? That is the same amount as last year, and last year, I think, we cut it \$5,000.

Mr. MERITT. Yes, sir.

The CHAIRMAN. And I think that is about all it will stand. If there are no questions, we will pass that. The next is page 16, line 8. (Whereupon the Clerk read as follows:)

DETERMINING HEIRS.

For the purpose of determining the heirs of deceased Indian allottees having any right, title, or interest in any trust or restricted property, under regulations prescribed by the Secretary of the Interior, \$100,000, reimbursable as provided by existing law: *Provided*, That the Secretary of the Interior is hereby authorized to use not to exceed \$30,000 for the employment of additional clerks in the Indian Office in connection with the work of determining the heirs of deceased Indians, and examining their wills, out of the \$100,000 appropriated herein: *Provided further*, That the provisions of this paragraph shall not apply to the Osage Indians nor to the Five Civilized Tribes of Indians in Oklahoma: *And provided further*, That hereafter upon a determination of the heirs to any trust or restricted Indian property of the value of \$250 or more, or to any allotment, or, after approval by the Secretary of the Interior of any will covering such trust or restricted property, there shall be paid by such heirs, or by the beneficiaries under such will, or from the estate of the decedent, or from the proceeds of sale of the allotment, or from any trust funds belonging to the estate of the decedent, the sum of \$15 where the appraised value of the estate of the decedent does not exceed the sum of \$1,000. Where the appraised value of the estate of decedent is more than \$1,000 and less than \$3,000, \$20; where the appraised value of the estate of the decedent is \$3,000 but not more than \$5,000, the sum of \$25, and where the appraised value of the estate of the decedent is \$5,000 or over, \$30, which amount shall be accounted for and paid into the Treasury of the United States; and a report shall be made annually to Congress by the Secretary of the Interior on or before the first Monday in December of all moneys collected and deposited as herein provided.

Mr. MERITT. I offer for the record the following justification:

Determining heirs of deceased Indian allottees.

Fiscal year ending June 30, 1920, amount appropriated.....	\$100,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated	100,000.00
Amount expended	70,164.56
Unexpended balance	29,835.44
Analysis of expenditures:	
Salaries, wages, etc.....	62,315.89
Traveling expenses.....	6,868.78
Telegraph and telephone service.....	20.71
Equipment and miscellaneous material.....	307.55
Rent of buildings.....	619.83
Miscellaneous	31.80
Total	70,164.56

NOTE.—\$23,217.38 of the amount for salaries was paid to clerks in the Indian Office.

The appropriation of \$100,000, asked for the fiscal year ending June 30, 1920, is necessary to enable the department to continue the determination of heirs of deceased Indians, in accordance with the provisions of the act of June 25, 1910 (Stats. L., 855).

For the fiscal year ending June 30, 1919, \$100,000 was appropriated, and with this amount the department was enabled to probate 2,415 estates of deceased Indian allottees, and during said year 58 deceased Indian wills were also approved, the total amount of fees collectible for the work being \$37,095.

The mortality among the Indians is very large, and it will require the full amount of the appropriation asked for to carry on this work. Many of the Indian estates consist not only of lands, but money deposited in bank, and practically in all cases the heirs are in need of money.

There are at present 16 examiners of inheritance in the field, with the necessary clerical assistants in the way of clerks, stenographers, and interpreters. The examiners are lawyers, trained in the work, who hold the hearings after giving due notice to all parties. The evidence of witnesses is taken at these hearings and submitted to the department together with the recommendations in the cases, which are adjudicated very much in the same way as are done in the probate courts.

Heretofore a fee of \$15 has been charged the Indians for probating their estates and approving their wills. This fee is in the nature of a reimbursable fund, which is deposited in the Treasury of the United States. The average yearly collection for the years 1914 to 1919, both inclusive, has been about \$40,000, leaving a yearly deficit of \$60,000. To overcome any future deficit the proposed amendment to the act of May 18, 1916 (39 Stats. L., 123, 127), for a graded scale of fees for determining heirs and approval of wills will, in the opinion of the office, be sufficient to reimburse the Government the entire amount expended under the appropriation.

Mr. CARTER. Mr. Chairman; of course that third proviso is subject to a point of order. There ought to be a transposition of the language. Proviso two ought to come after proviso three, and if the committee will bear with me, I will explain why. If the Osage Indians and the Indians of the Five Civilized Tribes do not have anything to do with this fund at all—their estates are prepared by the courts of the State, and they are paid for out of the results of the sale and so forth.

Mr. ELSTON. I think that is a very good provision. No doubt we will adopt that immediately. Just here, would you say that the probate of the estates of the Osage Indians and of the Indians of the Five Civilized Tribes is done as reasonably, considering the appraised value of the estates, as the proposed scale of fees in this section?

Mr. CARTER. I could not say as to that, Mr. Elston. The point I am trying to make is this—

Mr. ELSTON (interposing). I am just asking your opinion. You set here a maximum of \$30 for a \$5,000 estate.

Mr. CARTER. I imagine that it is about half. It is based on the general assumption that where you have a limitation it is done cheaper than where there is no limitation.

Mr. ELSTON. I do not see where anybody could object to this very, very reasonable scale.

Mr. CARTER. I move that the second proviso be made the third proviso.

The CHAIRMAN. Gentlemen; you have heard the motion. If there is no objection, it will be so ordered.

Mr. ELSTON. Mr. Chairman, I would just like to ask Mr. Meritt whether he has made a careful enough computation to justify the

prediction which he makes in his computation here that this new scale of fees will pay for the work covered by this section?

Mr. MERITT. It is our best judgment that the new scale will bring a return of \$100,000 to the Government.

Mr. ELSTON. It could be shaded up a little, because the amounts here are very small compared with the probate of like estates within the State jurisdiction, and I am sure if we had a comparison of the scale charged the Osage Indians and the Indians of the Five Civilized Tribes we would find that it could not possibly be done for half. It is impossible to probate an estate of \$5,000 for \$30. That would not even pay the fee of a young lawyer. I think we might scale this up \$5 all along the line.

The CHAIRMAN. You appreciate, Mr. Elston, that this new scale was brought about by our own investigations during a period of hearings, and it was very clearly understood that this was one service of the bureau that might easily be made self-supporting, and the reason for this graded scale was to make that possible. I agree with you that the rates are very low, and would be very low even if we scaled them up a little higher. What I would like to ask in connection with this, Mr. Meritt, is: This being reimbursable, how promptly will this reimbursement take place? When is the money collected that you propose to get for that service?

Mr. MERITT. In some cases it is collected very promptly, where the heirs have money to their credit. In other cases we are required to wait a considerable length of time before we get the fee.

The CHAIRMAN. Just what do you mean by "considerable length of time"?

Mr. MERITT. For instance, where the heirs have no money to their credit, but have inherited lands. These lands are sometimes put on the market for sale. It is necessary to determine the heirs first, then offer the lands for sale after due advertising, and then the sale papers have to go through the Indian Office and the department for final action, and it sometimes requires more than a year to perform these duties.

The CHAIRMAN. That is what I wanted to get at; whether it was one year, two years, or what.

Mr. MERITT. Some of these heirship cases are very complicated, and it takes some time to get all the witnesses together.

The CHAIRMAN. You say in your justification that in the years 1914 to 1919 that the average collections have been about \$40,000. What part of that \$40,000 has actually been paid?

Mr. MERITT. That \$40,000 has actually been paid into the Treasury of the United States in cash. There are, of course, outstanding obligations that will be paid in the future.

The CHAIRMAN. Under this proposed law would you say, that with the same amount of business as was done, that the amount of return would double; the amount of return in actual cash per annum?

Mr. MERITT. That is about the way we figured it, Mr. Chairman.

The CHAIRMAN. So that we would not have to carry in the future, as an open account for reimbursables, to exceed \$20,000 a year.

Mr. MERITT. I would like to try it out on this basis for a year or two and then we could come back to Congress.

The CHAIRMAN. That is all right.

Mr. MERITT. I might say that this legislation was the result of the questions brought out in the hearings by Mr. Elston and other members of the committee, and, in cooperation with the committee, we have drafted this item.

Mr. RHODES. I want to inquire if there are prospective estates that will exceed, say \$10,000 or \$20,000 or \$25,000, or even larger, that would be affected by this legislation, and, if so, why wouldn't it be right, instead of fixing the maximum amount at \$5,000 and over, why couldn't you go on and fix a scale of fees to be charged on estates of more than that. For instance, \$10,000 and not exceeding \$20,000, a charge of \$40; and on estates of \$20,000 and not exceeding \$30,000, a charge of \$50. Are there such estates that would be liable to come within the provisions of this act?

Mr. MERITT. There are a few estates that amount to over \$25,000,

Mr. RHODES. Then, it seems to me, that \$5,000, as the maximum estate, would be rather low to determine the maximum charge upon, and if you carry the scale a little higher, so as to fix a flat charge for the administration of larger estates, that would be the means of bringing in more money.

Mr. ELSTON. Suppose there were only five of these, an addition of \$10 above the regular scale would mean only \$50 additional for five \$25,000 estates, which would be \$125,000. If you are going on up above between 5 and 10, you might double your fee after you get above 10. It is absurd that the Government should take charge of a tremendously rich estate and charge \$40 for something that in any probate jurisdiction would cost hundreds of dollars.

Mr. RHODES. If there are such estates, it certainly would be proper to apply the same principle.

Mr. MERITT. Would your idea be embodied in the following suggestion? Amend line 10, strike out "or over," and insert the words "thirty dollars," and insert after the words "over five thousand dollars," the words "the sum of fifty dollars."

Mr. HAYDEN. Why not? An estate above \$5,000, charge 1 per cent. The fee for a \$10,000 estate would be \$100.

The CHAIRMAN. I had the same thing in mind.

Mr. HASTINGS. If you wind up an estate in the probate court, you have to get a deposit of a certain amount; you have to get a bond, and you pay a premium on the bond, and the more the bond the more the premium, of course, and it takes much more to wind up an estate if the heirs are determined through some probate court. But that is not the case here, as I understand it. If an Indian dies and you want to determine the heirship, affidavits are taken, or testimony is taken through some local representative of the department, usually a superintendent or some one whom the department designates for that purpose in that locality. The affidavits are taken, the reports made upon that and that is forwarded, as I understand it, to the Commissioner of Indian Affairs and referred to some division there to find from the affidavits and testimony submitted who are the heirs to that estate, so that you can see there is no more expense in determining the heirs of a large estate than there is in determining the heirs of a small estate through the Commissioner of Indian Affairs. Am I correct in stating how the heirs are determined?

Mr. ELSTON. Mr. Hastings, that is obvious, and it is also true that in probate work the administration of a \$100,000 estate is often not as difficult as the administration of a \$5,000 estate, but the law recognizes the magnitude of the property and there is a larger fee for the larger estate, just as a real estate man charges a higher commission on a \$100,000 property than on a \$5,000 property, although the fact may be that it was less trouble and work for him to sell the more valuable property, so that the graduated scale is not predicted on any increased amount of work for the larger estates, but it is based on the proposition that since you are doing the work almost gratuitously, the larger estates can afford to pay a little more. I think that suggestion of 1 per cent is a good one.

The CHAIRMAN. That meets with my approval.

Mr. CARTER. That would be a fee of \$10,000 if an estate amounted to \$1,000,000.

Mr. ELSTON. That would be right. If the Government was going to administer a \$1,000,000 property, it would take a \$150,000 in the State courts.

Mr. CARTER. It might come about that there would be one heir to an estate and the determination would be the making out proof of heirship for that one heir. I do not think that the Government ought to require of an Indian—

Mr. ELSTON (interposing). If she gets \$990,000 and the Government has been maintaining that estate and bringing it up to the stage it has reached, it is proper that the Government should get \$10,000. It would be such a saving to the particular heir who would inherit a \$1,000,000 estate that there would be no question at all.

Mr. CARTER. This, of course, does not apply to the Five Civilized Tribes.

Mr. ELSTON. I will leave my vote in favor of the 1 per cent.

Mr. HASTINGS. This is not for the purpose of administering an estate; it is for the purpose of determining heirships. It is only to pay for the expense of taking the testimony and affidavits.

Mr. HAYDEN. I had this thought in connection with the 1 per cent. The smaller estates are administered without expense to the Indian at all; that is, under \$250, so that there is bound to be a loss to the Government in that respect, since we are rendering professional service, it is somewhat like the charge made by a doctor or a lawyer, the rich clients make up for the poor ones, and the 1 per cent charge would probably obtain enough from the larger estates to reimburse the Government for its work on the smaller ones. If we were establishing a rule that would be a hardship on anyone, I would not make the suggestion.

Mr. RHODES. Now, Mr. Chairman, let me make this suggestion. I can see the logic in Mr. Hayden's recommendation, and I can see the reasons why that is a good principle to employ in the determination of estates in the State courts, but, on the other hand, I think I can see a difference between charges that ought to apply in this case and similar cases under State jurisdiction.

Now, we are dealing with Indians, and all I was seeking to do was to be reasonably certain that by raising the maximum amount it would enable the Government to obtain sufficient money to cover this expense, and I thought that \$5,000 was rather too small a sum to

fix as a maximum charge on which the maximum was to be fixed, and what Mr. Hastings has said is certainly true; this is one only step in the administration of the estate, and does not go to the full administration of affairs as we understand it from a legal standpoint in dealing with the administration of an estate under a State jurisdiction. I know that in the probate court in my own State—I have been practicing law for almost 25 years and have had a great deal to do with the administration of the probate law, I know that in many cases I have acted as attorney and directed the winding up of a small estate where the fee was only nominal and which entailed more work than many larger estates which paid a respectable fee. The rule in probate law, under State jurisdiction, is to make the estate pay a fee in proportion to what it is able to pay, but I do not say that the same rule ought to apply in an Indian's case for this particular service.

Mr. KELLY. What other expenses are there involved in settling up an estate? This is one fee of \$30 here; what other expenses are involved?

Mr. MERITT. That would be the only fee the Government would charge an Indian.

Mr. KELLY. That is to determine the heirs only. What expenses would there be out on the reservation?

Mr. RHODES. You might have to partition the estate; you would have to get an order of sale.

Mr. MERITT. In some cases, certain of the heirs might want certain witnesses there, and they would have to pay the expenses of these witnesses.

Mr. CARTER. In determining the heirs, you haven't jurisdiction to partition, have you?

Mr. MERITT. Yes, sir; under the act of June 25, 1910.

Mr. RHODES. That would be an additional service, or rather a service in addition to that designated under the determination of heirs?

Mr. MERITT. Yes, sir.

Mr. RHODES. That would be an additional service, and an additional step in the process of administration?

Mr. HAYDEN. Twenty-five dollars is one-half of 1 per cent on \$5,000. We could make the fee one-half of 1 per cent. On line 10, strike out the word "thirty" and insert where the appraised value is \$5,000 or over, "one-half of 1 per cent thereof."

Mr. CARTER. What did you say, "from \$5,000 to \$10,000"? Fifty dollars? That would make \$10,000 or over, \$100.

The CHAIRMAN. I think the present scale is a most reasonable one.

Mr. CARTER. The present scale is, if you run it down fine enough.

Mr. HAYDEN. One-half of 1 per cent.

Mr. CARTER. That would run into pretty big money, and the Government is not in the Indian business for profit.

Mr. HAYDEN. What I was trying to assure was that the larger estates would help reimburse the Government for the loss in others.

Mr. CARTER. What is the largest estate, Mr. Meritt, that you have had to determine the heirs of under this paragraph?

Mr. MERITT. Some of the allotments on the Omaha Reservation are worth \$30,000.

Mr. CARTER. What reservation?

Mr. MERITT. Omaha.

Mr. CARTER. That is for agricultural purposes?

Mr. MERITT. Yes, sir.

Mr. HASTINGS. Mr. Chairman, I do not believe either myself or Mr. Rhodes have been able to impress our views upon the committee. This is only for the purpose of determining the heirship; it is not to wind up an estate. When the examiner goes and takes testimony it is referred to the Indian Office, the Indian Office determines who are the heirs. As I understand it that is all this money is to be used for, and I certainly feel that a very large sum should not be taken from the Indian for this service. Of course, if you are going to completely wind up an estate as you would in a probate court, it is different. But, as I understand it, all this is for is to do a preliminary thing; namely, determine who is the heir, and not to administer the estate. That is the thing I want to impress on the committee. It is perfectly agreeable to me to charge a reasonable fee, but if you are going to charge on a percentage basis and say that you are going to charge six or eight or ten thousand dollars for the purpose of an examiner going out there and maybe in fifteen or twenty minutes or an hour taking the testimony when there is no controversy about it, I do not think it is right.

The CHAIRMAN. Let us see if we can not get down to something. We all agree upon this, that all we want to do is to make the service pay for itself. Let us see if we can not work out some scheme quickly that will do that and end the discussion on this question.

Mr. KELLY. Mr. Carter suggested \$50 for all over \$10,000.

The CHAIRMAN. Let Mr. Meritt state the wording of that proposition.

Mr. MERITT. I would change line 10, page 17, to read as follows: "If the estate of the decedent is not over five thousand, the sum of \$30, and where the estate of the decedent is over five thousand, the sum of \$50."

Mr. CARTER. You have none in there over \$25,000; and you say that you know that some of these estates run that high.

Mr. RHODES. You must say under ten thousand, and where it is ten thousand or over, you can say \$50.

Mr. CARTER. All you have to do is to strike out "thirty" and insert "fifty."

Mr. MERITT. And where the appraised value of the decedent is over five thousand, the sum of \$50?

Mr. CARTER. Strike out "thirty" and insert "fifty."

The CHAIRMAN. Now, then, if there is no objection, we will pass that section with that correction.

Mr. HAYDEN. What is the necessity for a report being made annually to Congress of the moneys collected? I have been reading these reports made to Congress for the last two or three days, and all I would get would be a little slip of paper saying that last year under this appropriation there was collected \$60,000. It would not tell us anything. We would have to go to the bureau to obtain the details. It is a waste of public money to print that kind of a report. The officer who collects this money is responsible under his bond for turning it over to the Treasury.

The CHAIRMAN. I am willing to say that I have gotten considerable information out of these reports that have come up here, and they have been very helpful in the construction of this bill to at least one member of the committee.

Mr. HAYDEN. That would be true in a report that went into any detail, but all that is required under this bill is to say to the Congress that there was reimbursed to the Treasury so much money.

The CHAIRMAN. Some of them are in considerable detail. All right, we will go on to the next item; page 17, line 60. The clerk will read.

(Whereupon the clerk read as follows:)

INDUSTRY AMONG INDIANS (REIMBURSABLE).

For the purpose of encouraging industry and self support among the Indians and to aid them in the culture of fruits, grains, and other crops, \$200,000, or so much thereof as may be necessary, to be immediately available, which sum may be used for the purchase of seed, animals, machinery, tools, implements, and other equipment necessary, in the discretion of the Secretary of the Interior, to enable Indians to become self-supporting: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1930: *Provided further*, That not to exceed \$50,000 of the amount herein appropriated shall be expended on any one reservation or for the benefit of any one tribe of Indians.

Mr. MERITT. We offer for the record the following justification:

Industry among Indians.

Fiscal year ending June 30, 1920, amount appropriated-----	\$100,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	150,000.00
Amount expended-----	138,531.19
Unexpended balance-----	11,468.81
Analysis of expenditures—	
Salaries, wages, etc-----	34,051.88
Traveling expenses-----	113.42
Transportation of supplies-----	9,415.06
Subsistence supplies-----	2,448.48
Forage-----	61,839.29
Fuel, lubricants, power and light service-----	216.38
Live stock-----	6,945.95
Equipment and miscellaneous material-----	1,892.73
Construction of buildings-----	344.19
Repair of buildings-----	99.00
Rent of buildings-----	63.66
Seed, trees, etc-----	9,389.10
Sheep and cattle dip-----	1,705.14
Miscellaneous-----	435.34
Outstanding liabilities-----	9,571.57
Total-----	138,531.19

INDUSTRY AMONG INDIANS, REIMBURSABLE, \$200,000.

The use of reimbursable appropriations for the purpose of encouraging industry and self-support among the Indians has necessarily been somewhat restricted during the current fiscal year by reason of the small amount appropriated by last year's bill. The money available, however, was used to the best advantage possible, but it was necessary to deny many requests for implements,

teams, improvements to homes, etc. Seed has been given preference after taking care of such reimbursable activities as have been previously started.

Up to the present there have been four revolving appropriations for the industrial advancement of the Indians—that is, the repayments made to these funds could be used over and over again until the date set for their final repayment to the Treasury. The total of these amounted to \$170,000. Three of these appropriations are no longer available. The \$100,000 appropriation provided for by the act of June 30, 1913 (38 Stat. L. 77-80) may be used until June 30, 1924. During the fiscal year 1919 approximately \$40,000 was expended from this appropriation. The amount available this year will probably not exceed \$15,000.

There has been appropriated in nonrevolving reimbursable funds to date, a total of \$2,400,000, \$200,000 of which was tribal money. In addition to this, there has been expended about \$500,000 from tribal funds without specific appropriation for reimbursable purposes.

It was estimated several years ago that it would take approximately \$10,000,000 to place the Indians in agricultural pursuits and furnish them with implements, cattle, horses, sheep, etc. Somewhat less than one-third of this estimate has been actually expended up to this time, and the results have been entirely satisfactory and very gratifying.

On some reservations the Indians have a fair start and have, in large measure, repaid their reimbursable indebtedness. However, there are many places, especially in the Southwest, where additional funds would be of great assistance in enabling the Indians to become self-supporting.

The results thus far accomplished are exceedingly encouraging, but considering the need for this sort of assistance the work has not been much more than well started. The \$200,000 item asked for in this year's appropriation will not be more than sufficient to continue the work already inaugurated, and furnish seeds.

The holdings of the Indians in land and improvements, cattle, etc., are more than ample security for the repayment of their reimbursable accounts, both tribal and individual. Very few losses have been reported and an effort is made to keep the accounts current. It may be that during the early use of reimbursable funds, some of the superintendents urged the Indians to accept assistance which they did not really wish, but now the superintendent is generally obliged to deny many requests for assistance, due to the lack of funds with which to meet their requirements. It is highly desirable that the good beginning made with the funds which have heretofore been available be continued, so that the Indians may properly utilize their lands and become even more successful stockmen and farmers than they now are. The proposed appropriation is not a gratuitous one, but rather a loan which must be repaid within a specified time, and repayments may be anticipated with entire confidence.

The CHAIRMAN. Of course, this is a matter that we went into very carefully indeed, this matter of reimbursable items, and I think it was the conclusion that much of the money that had been paid out in this way was an advantage to the Indian, but I must say that nowhere in this discussion did it occur to me that a request for an increase in the appropriation for that purpose would be made this year, and therefore I am quite anxious to find out, if I can, what the necessity for this 100 per cent increase is at this time.

Mr. MERITT. You will recall that last year the Indian Committee made a very radical cut in the estimates for this work. We have had as high as \$600,000 for two years for reimbursable appropriation for industrial purposes.

The CHAIRMAN. What page is that on?

Mr. MERITT. You will find it on page 19, serial No. 13, of the hearing. The impression that I got from the investigation was that the committee objected to the use of this money for the purchase of tribal herds, rather than the use of it for individual purposes. It is my personal belief that if we get this \$200,000 that the money should be used for the benefit of individual Indians rather than for

the purchase of additional tribal herds, and in order to meet the views of the committee as heretofore expressed, I think it would be agreeable to put a proviso in this amendment that no part of this fund shall be used in the purchase of tribal herds.

Mr. CARTER. We could put that on page 18, line 4, after the word "that," and use this language, "No part of this appropriation shall be used for the purchase of tribal herds," and not to exceed \$50,000.

Mr. HAYDEN. What is the necessity of allowing that to remain as high as \$50,000? We had that \$50,000 for a limitation at the time we were permitting \$600,000 for the purchase of tribal herds.

Mr. MERITT. This \$50,000 could be materially reduced; say to \$25,000.

Mr. HAYDEN. I was going to suggest reduction to \$20,000.

Mr. MERITT. That would be satisfactory to the department.

Mr. HAYDEN. I move to strike out "\$50,000" and insert "\$20,000."

Mr. MERITT. With the understanding that no part of this shall be used in the purchase of tribal herds.

Mr. HAYDEN. And not to exceed \$20,000 of the amount here appropriated shall be expended on any one reservation.

The CHAIRMAN. Is that agreeable to the committee?

Mr. RHODES. A few questions on that point. What has been the maximum amount expended for industrial purposes alone?

Mr. CARTER. In one year, you mean?

Mr. RHODES. Yes; in one year.

Mr. MERITT. I will get those figures and place it in the record. It will be necessary to examine the books.

Mr. RHODES. I understand the last Indian appropriation act provided for \$100,000 to be expended for industrial purposes. Is that correct?

Mr. MERITT. Yes, sir.

Mr. RHODES. Has there ever been more than \$100,000 appropriated for industrial purposes in any one year since the inauguration of this policy?

Mr. MERITT. Yes; sir; this appropriation was started in 1908. Under the act of April 30, 1908, there was \$25,000; April 4, 1910, \$15,000; March 11, 1911, \$30,000; June 30, 1913, \$100,000; August 1, 1914, there were three appropriations—one for \$600,000, one for \$25,000, and one for \$100,000.

Mr. RHODES. Just a moment on that point. How much of the \$600,000 appropriated August 1, 1904, went into the tribal herds, and how much into the other features of it?

Mr. MERITT. My recollection of it is that a large part of it went into the purchase of tribal herds.

Mr. RHODES. Suppose that no part of this proposed legislation is to go into tribal herds, would that leave a larger sum for other industrial purposes than has ever been used before for that purpose?

Mr. MERITT. I would have to look up the records in order to determine how much has been used for industrial purposes outside of the purchase of tribal herds.

Mr. RHODES. Now, isn't it a fact that these years showing the large appropriations, such as 1914 and 1916, that a large part of these sums were expended for tribal herds?

Mr. MERITT. That is true.

Mr. RHODES. Don't you really think that \$100,000 expended for industrial purposes when not applied toward the purchase of tribal herds would be a liberal appropriation for that activity?

Mr. MERITT. We could use to the very great advantage of the Indian the \$200,000, because two-thirds of the Indians of the United States have been allotted, and a large per cent of these Indians are without means with which to begin farming operations, and it is necessary that they be given some assistance along industrial lines before they can actually begin to become self-supporting, and inasmuch as this appropriation is reimbursable, it would seem good business to make these Indians self-supporting at the earliest possible date, now that they have lands available and all that they need is farming implements.

The CHAIRMAN. But Mr. Rhodes has brought out the salient fact in this proposition. There has never been at any time, no matter how large the appropriation has been, more than \$100,000 used for the purpose we are discussing.

Mr. MERITT. I would have to look up the records in the Indian Office to determine that fact.

The CHAIRMAN. It might have been slightly over that, but it is more apt to have been under than over, and I want to say now that I want to give every assistance to the deserving Indian who has been allotted his land, to give him an opportunity to cultivate that land. The testimony in the hearing showed that this is being done about as rapidly as the Indian can avail himself of the facilities. Therefore, I would be very much opposed to the increasing of this amount at this time, and I would feel that if we appropriated the same amount as last year, with the understanding that no part of it be spent for tribal herds, we would be treating the matter pretty fairly, and I would like to hear a motion to that effect from somebody.

Mr. RHODES. I want to make this observation. My recollection is that the testimony showed that in the majority of cases the profit arising to the Indian who has been furnished equipment—I believe the maximum amount of money to be expended in the interest of an Indian or loaned to him, as you put it—is to exceed \$600.

Mr. MERITT. That is correct.

Mr. RHODES. Now, the profit thus far has been very small, and I believe I am justified in making this statement; that this proposition is yet in an experimental stage. In the majority of cases, the Indian has not reached the point of reimbursement. In the majority of cases, he has not produced any surplus, not even enough to make him self-supporting. In a few cases, it may be true, but that is the exception, not the rule, and inasmuch as this endeavor has not passed beyond the experimental stage, and inasmuch as I believe the committee was justified in reaching a conclusion that no more money should be expended in the purchase of tribal herds, and in so many cases that tribal herds had grown to such an extent that the tribal herds should be reduced; that is, from the sale of stock, money could be obtained to carry on that particular activity, and Congress should not be called upon to appropriate any more money for enlarging upon the tribal herd proposition, and my impression was that we would be able to avoid any appropriation at this time for continuing the tribal herd proposition, and neither would we be

called upon to enlarge upon the appropriation for other industrial purposes. I have no objection to leaving that at \$100,000, but I would have objection to making it \$200,000 under present conditions.

The CHAIRMAN. Unless there is objection, we will strike out \$200,000, and insert "\$100,000," with Mr. Carter's amendment already in.

Mr. HAYDEN. Now, what is the necessity of allowing 10 years' time in which to make this reimbursement?

Mr. MERITT. The Government in its legislation requiring repayment of moneys advanced the white man have given a much longer time than 10 years, and while we thought we should have the Indian pay it back as quickly as possible, we also thought we should be reasonably liberal with him in giving him an opportunity to get on his feet and become self-supporting.

Mr. HAYDEN. You are referring to the Federal farm loan law, I presume, where they have an amortized system of payment which varies at the option of the borrower from 10 to 40 years?

Mr. MERITT. Yes, sir.

Mr. CARTER. Mr. Chairman, we have not questioned Mr. Meritt upon the necessity of this language, "to be immediately available." You all know what happened.

The CHAIRMAN. I have marked it here. Strike out the words, "to be immediately available." Now, then, if there is nothing further we will go on to page 18, line 7. The clerk will read.

(Thereupon the clerk read as follows:)

VEHICLES FOR INDIAN SERVICE.

That not to exceed \$200,000 of applicable appropriations made herein for the Bureau of Indian Affairs shall be available for the maintenance, repair, and operation of motor-propelled and horsedrawn passenger-carrying vehicles for the use of superintendents, farmers, physicians, field matrons, allotting, irrigation, and other employees in the Indian field service: *Provided*, That not to exceed \$15,000 may be used in the purchase of horse-drawn passenger-carrying vehicles, and not to exceed \$40,000 for the purchase of motor-propelled passenger-carrying vehicles, and that such vehicles shall be used only for official service.

Mr. MERITT. We offer for the record the following justification.

VEHICLES, INDIAN SERVICE.

This item does not involve an appropriation of funds, but is merely an authorization of the expenditure of funds from other applicable appropriations for the purchase, repair, etc., of passenger-carrying vehicles for the Indian Service, made necessary by legislation of Congress prohibiting the use of public funds for said purposes without special authority.

The territory of the Indian field service, as is well known, is very large and consequently a proper administration of the affairs of the Indians under the many superintendencies calls for quick and adequate means of transportation for the field employees. The superintendents in order to cover their jurisdictions in a proper and efficient manner are dependent upon the automobile for reaching the different points of the reservations in the shortest possible time, which is not always practicable with a team, though horse-drawn vehicles are used in many cases where roads are poor, thus preventing the satisfactory use of machines. It is also found that with the employment of the automobile the physicians of the Indian Service are in a position to answer at short notice calls for medical assistance from Indians on the reservations, who frequently live at great distances from the physicians' headquarters. The automobile also enables them to make their regular calls on the Indians in looking after their health and the sanitary conditions of their homes in much less time than formerly. The same is true of the field matron

who works in conjunction with the physicians in looking after the physical needs of the Indians and in nursing the sick and instructing the Indians in modern ways of living and who must have adequate and quick means of transportation. The farmers who have large districts under their charge and who are furnished automobiles in such cases, are enabled to cover the same in a more efficient and expeditious manner, thus permitting them to give closer supervision to the farming activities of the Indians than was the case when they were dependent entirely upon horse-drawn vehicles for transportation.

In fact, the automobile has filled a long-felt want in the Indian Service, without which the efficiency of the service would be seriously impaired.

The item, as will be noted, in addition to authorizing not to exceed \$15,000 for horse-drawn passenger-carrying vehicles and \$40,000 for automobiles, also provides for the maintenance, repair, and operation of vehicles of both classes.

Mr. CARTER. How much was spent for that purpose last year, Mr. Meritt?

Mr. MERITT. \$35,659.23 for motor-propelled and \$1,446.12 for horse-drawn passenger vehicles. \$16,629.66 of the first-named amount was expended from tribal funds. For maintenance and operation of such vehicles \$107,480.83 was expended.

Mr. CARTER. Without this item in the bill you could not purchase or keep in repair these vehicles, could you?

Mr. MERITT. No, sir.

Mr. CARTER. I believe the comptroller has ruled that you can take that from any fund appropriated under the law.

Mr. MERITT. Yes, sir.

The CHAIRMAN. This is exactly the same item that was in the bill last year. From what available funds would you normally take this money?

Mr. MERITT. From the various support funds at the different schools and agencies. For example, if we needed an automobile at the Blackfeet Agency, we would use approximately \$700 of the support fund of that agency in buying a machine.

The CHAIRMAN. Of course, in making up your estimate for these agencies you include enough in them to care for any possible necessity that might arise?

Mr. MERITT. Yes, sir.

The CHAIRMAN. We will go on to the next item. Page 18, line 19. (Whereupon the clerk read as follows:)

MISCELLANEOUS.

For reimbursing Indians for live stock which may be hereafter destroyed on account of being infected with dourine or other contagious diseases, and for expenses in connection with the work of eradicating and preventing such diseases, to be expended under such rules and regulations as the Secretary of the Interior may prescribe, \$50,000.

Mr. MERITT. We offer for the record the following justification:

Miscellaneous.

Fiscal year ending June 30, 1920, amount appropriated-----	<u>\$50,000.00</u>
Fiscal year ended June 30, 1919:	
Amount appropriated-----	25,000.00
Amount expended-----	<u>23,287.79</u>
Unexpended balance-----	<u>1,712.21</u>

Analysis of expenditures:

Salaries, wages, etc.....	\$10, 771. 23
Traveling expenses.....	792. 08
Subsistence supplies.....	168. 38
Forage.....	148. 48
Fuel, lubricants, power and light service.....	14. 90
Equipment and miscellaneous material.....	184. 86
Diseased horses destroyed.....	11, 207. 86
Total.....	23, 287. 79

SUPPRESSING CONTAGIOUS DISEASES AMONG LIVE STOCK OF INDIANS, \$50,000.

The work of suppressing contagious diseases among the live stock of Indians has been carried on systematically for several years in cooperation with the Bureau of Animal Industry and the State authorities of the various States where Indian reservations are located. The amounts appropriated for this work have varied from \$100,000 in 1917 to \$25,000 for the fiscal year ending June 30, 1919.

The funds expended have been used to pay the expenses of rounding up and handling the stock and reimbursing the Indians for the animals killed. The work of supervising and making the test has been done by representatives of the Bureau of Animal Industry without expense to this department. The amount appropriated for the fiscal year ending June 30, 1919, was not sufficient to meet the expenses and reimburse the Indians for the horses killed, and it was therefore necessary to use funds from the appropriations made for the fiscal years ending June 30, 1917, and June 30, 1918, which were available until expended to supplement the amount available for that year. The amount therefore expended during the fiscal year ending June 30, 1919, was approximately \$70,000.

The dourine eradication work in the States in the Northwest has practically been completed as the representatives of the United States Bureau of Animal Industry have reported that several reservations in that part of the country are now free from that disease. The work now being done is principally in the Southwest, and in view of the fact that the work in the Northwest is practically completed, it is believed that the \$50,000 requested will be sufficient to carry on the work which it is now necessary to do along these lines.

The CHAIRMAN. You feel that this is as little as you could get along with under that service?

Mr. MERITT. This appropriation will be \$20,000 less than we expended last year, because we had the available balance.

The CHAIRMAN. But you say the disease is being wiped out and the occasion for the service is coming to a close?

Mr. MERITT. I think after this year the appropriation can be reduced.

The CHAIRMAN. Are there any further questions? If not, we will pass on to the next item.

Mr. HAYDEN. I would suggest, Mr. Chairman, that we strike out the word "Miscellaneous" on this page and give this the title, "Suppression of contagion among live stock," and you can give a title to one or two more of these that come up.

The CHAIRMAN. Is there any objection? We will pass on, then, to page 19, line 6. The clerk will read.

(Whereupon the clerk read as follows:)

For improving springs, drilling wells, and otherwise developing and conserving water for the use of Indian stock, including the purchase, construction, and installation of pumping machinery, tanks, troughs, and other necessary equipment, and for necessary investigations and surveys, for the purpose of increasing the available grazing range on unallotted lands on Indian reservations, \$50,000.

Mr. MERITT. We offer for the record the following justification:

Water supply for stock and increasing grazing range on unallotted Indian lands.

Fiscal year ending June 30, 1920, amount appropriated..... \$50,000
 Fiscal year ended June 30, 1919: No appropriation for prior years.

DEVELOPING STOCK WATER SUPPLY.

For several years efforts have been made to develop the water on the various ranges so that the grazing may be utilized to the best advantage. In some cases the plans outlined have been more or less successful, but in other cases, owing to the location of the ranges, it has been difficult for the Indian Service to accomplish much in the way of said development, and the projects were so expensive that the lessees were unwilling to undertake such a project for the limited time that their leases were made to run. Everything possible was done to utilize the ranges on the different reservations to their fullest capacity in order to augment the beef supply during the war.

These efforts have met with considerable success, but have shown that it will be necessary to have the same done under the supervision and in accordance with plans laid out by competent engineers in order to get the best results. Owing to the distance from available water supply, much of the range on a number of the reservations can not be used to advantage, especially during seasons which are more or less dry and which have occurred in all parts of the country during the past three or four years. The Southwest was seriously affected during the years 1916, 1917, and 1918, and serious drouths have occurred in the Northwest during the past year. Much of the difficulties experienced along these lines can be overcome by the drilling of wells; the walling up and development of springs, seeps, etc.; and the construction of dams to hold the water, which otherwise drains off and is wasted.

Last year a similar amount to that requested this year was appropriated with a view of making a survey of the water situation on the grazing areas in order to locate and develop water supply where practicable, and the amount requested this year is to provide for the continuance of this work with a view of further developing water and completing the work on the ranges where already commenced and carrying on similar activities in other localities. It is contemplated to use the amount requested as follows:

Jicarilla Reservation.—The capacity of the grazing areas on this reservation have practically been reached on account of the lack of water. In fact, during the dry season of the year these ranges can not be used at all for that reason. Indications are that a considerable water supply can be made available if development work is carried on, as there are indications that the drilling of wells and the development of springs will produce an ample supply of water in many parts where water is not now available. In the southern addition to this reservation there is very little competition in the leasing of the ranges for the reason that owners of adjoining lands have developed water which they can use for their stock in case the adjoining lands on the reservation are leased to them. Other lands can only be leased during the winter and early spring season, when water is available from the rains and the snows. A tribal herd of cattle and sheep have been successfully handled on the parts of the reservation where water is available and plans are now being developed to increase the holdings of the Indians so that they can increase their holdings of sheep, which will, no doubt, prove a profitable industry to them. With this end in view, it is absolutely necessary that further work be done toward the development of work.

Mescalero Reservation.—Considerable income for carrying on the various activities on this reservation has been derived in the past from the leasing of the grazing lands for the reason that the lessee could have general use of the grazing area there. Owing to the lack of available water on all parts of the range, it has been impracticable to use the range to the best advantage and plans have been outlined for piping the water from the source of supply to parts of the range where otherwise water is not available. This can be arranged under a gravity system, which ordinarily is the least expensive plan for such development work. It is, however, necessary to construct reservoirs and tanks and place the conduits and pipes for the system in such manner that they will not freeze during the cold weather. The carrying out of these plans will

practically double the capacity of the range and provide for the increase in the stock belonging to the Indians and enable them to still lease the range to outsiders, so that the income necessary for the various activities will still be available. There is no doubt that development work of this character will contribute largely toward enabling the Indians to become self-supporting.

Ute Mountain Reservation.—This reservation is located in a locality where sheep raising can be carried on profitably, providing satisfactory water supply is available. Considerable investigation and preliminary work has been done on this reservation, which shows that there are springs and seeps which will provide a good supply of water in case they are developed and reservoirs constructed to conserve it. Probably a large part of the work which will be done on this reservation consists of small wells and tanks in many different places, costing probably from \$500 to \$1,500 each. During the dry spell two or three years ago, it was necessary to dispose of quite a number of the stock belonging to the Indians at a disadvantage on account of water not being available for them. The Indians are contemplating engaging in the sheep industry and in order to encourage them it will be necessary to provide the water needed so that they can use all parts of the range to advantage.

San Carlos and Fort Apache Reservations.—The attitude of the Indians on these two reservations, in regard to adopting improved methods in handling their stock, has changed considerably in the last year or two especially on the Fort Apache Reservation. Heretofore they have been more or less opposed to improving the grade of stock they own and generally following out the up-to-date methods in caring for their stock. This attitude has changed so that they are now asking that they be furnished with improved sires to enable them to raise a better grade of stock and also that other improvement be made which will benefit the stock industry—in fact a number of them who have funds of their own are purchasing their own improved stock with the assistance of the superintendent. There is also a considerable area leased to outsiders, and owing to the limited amount of range available in all parts of the country, stock growers other than those located on these reservations are continually urging that they be permitted to lease land and bring their stock on the reservations. This can not be done for the reason that the range is now stocked to the fullest capacity possible with the water supply now available. These reservations comprise about three and a half million acres, and the development of water on the range will no doubt enable the placing of from five to ten thousand additional cattle thereon to advantage.

Truxton Canon Reservation.—On this reservation there is a large grazing area which cannot be used on account of the distance the stock thereon would have to go to reach water. This grazing area is located in a part of the country where it is necessary for the railroads to develop their water supply and pipe it considerable distances in order that it may be available for the trains operated by them. Several plans have been considered and it appears that it will be necessary to expend a considerable amount in any work that may be done to improve conditions on this reservation. The plan contemplates the pumping of water from the Grand Canon by a series of pumps and reservoirs, which it is estimated will cost not less than fifteen or twenty thousand dollars to complete at prices prevailing before the present year of high prices. To carry out such plans and provide water for the stock which the Indians are raising will probably require more than that amount at the present time.

Shoshone Reservation.—On this reservation during the past year a severe drouth has occurred which has necessitated the shipping of stock to market at a sacrifice. The stock industry is the principal industry on this reservation, and much of the land heretofore available adjacent to water courses has been taken up by the Indians and used for agricultural purposes under the irrigation system. This leaves considerable grazing area without a satisfactory supply of water for stock and the construction of wells and reservoirs will be necessary to provide water for them.

The reservations referred to above are the places requiring the largest amount of work in order to make the water supply available, but the ranges on practically all the reservations could be improved and the carrying capacity increased by doing a small amount of development work of this character. This work will no doubt result in increased income on many of the reservations by permitting additional stock to be placed thereon, but will also improve conditions so that the meat supply of the country will be materially increased as a result of providing additional grazing facilities for stock.

Mr. MERITT. This appropriation is used so that we may develop the water supply on the various Indian reservations and in order to increase the grazing area of these large Indian reservations. The appropriation is used for building small dams and reservoirs. By this means we can greatly increase the grazing capacity of a number of these reservations. It has been estimated by stockmen that cattle can graze only within a limited area from the available water, and on some of these reservations a large part of the reservations is not available for grazing purposes for the reason that we have not developed a water supply.

The CHAIRMAN. The justification does not give us any idea of how this money has been spent.

Mr. MERITT. Mr. Chairman, this is the first year that this appropriation has been carried in the Indian bill, and this being only December of this year we have not yet expended this money, all of it; but next year we will be able to give the committee detailed information as to the method of expenditure.

The CHAIRMAN. Can you give us any idea as to what has been done with the money so far?

Mr. MERITT. We have been getting reports from the superintendents as to the best methods of expending this money and where it can be expended to the very best advantage.

The CHAIRMAN. Probably very very little of the money has been spent so far. You have been very expending it so far for experimental purposes and in the collection of information?

Mr. MERITT. Yes, sir.

The CHAIRMAN. But it is the intention to use the money for sinking wells?

Mr. MERITT. And building small dams to conserve the water supply.

The CHAIRMAN. Isn't that getting us over into some irrigation scheme to some extent?

Mr. MERITT. No, sir; because it will not be used for irrigation purposes.

The CHAIRMAN. But when you build a dam it is more or less of an irrigation scheme, isn't it?

Mr. MERITT. For stock purposes. For instance, in a little ravine where they have occasional streams of water we can impound that water.

The CHAIRMAN. I get your idea; and the stock go there and drink the water?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Well, I think that is a very meritorious proposition, if it is not going to embark us on another scheme that will grow from year to year and give us an annual expenditure of additional sums of money.

Mr. HAYDEN. I can see, Mr. Chairman, how it would be possible to vastly increase an annual appropriation of this character, but I am satisfied that some such sum of money could be very judiciously expended on all the reservations. I know that every stock company solve this same problem. It is not a question of grass; it is a question of water.

The CHAIRMAN. What would you say to this. This is purely an experiment. We have given them \$50,000; they are unable to report

even progress on the situation; why not cut this in two and see what they have done with the first \$50,000?

Mr. HAYDEN. To my own personal knowledge I know of cattle companies that spend \$100,000 each year for the construction of tanks.

Mr. RHODES. I want to add this observation to what the chairman said. This would appear to be a meritorious proposition if it does not commit us to a new policy. It is a meritorious proposition providing there is a necessity for it on Indian reservations among Indians themselves. Now, it seems to me if it is simply providing water for general purposes on reservations that condition can be met in the leasing of the land to cattlemen, imposing upon them the necessity of providing their own water.

Mr. HAYDEN. That is exactly what is done.

Mr. RHODES. Then I would say if the Indians have stock and have land and no water, and no way of getting water, then make the appropriation, but unless there is a pressing necessity among Indians for water who have stock and grass and are unable to secure the water, then I do not think this is justified. Unless these conditions are met, to my mind, the appropriation is wholly unjustified. Now, what Indian reservation is in such condition, as regards the Indian population who possess live stock and who have no water, that makes it necessary to make this appropriation?

Mr. MERITT. We have a number of such reservations. For example, the reservation adjoining the home of the Congressman from New Mexico; the Jicarilla Reservation. The southern part of that is very fine grazing land provided they get adequate water supply.

Mr. RHODES. There are Indians there with stock and grass and no water?

Mr. MERITT. Yes; we are buying sheep for these Indians right now and propose to put them into the sheep industry and make them self-supporting, but we will need this money to develop the water supply so that they can do it. That is one concrete example. Mr. Hernandez can bear me out in that.

Mr. RHODES. We concede that. How much does it cost to provide that water in that particular case?

Mr. MERITT. We probably will use anywhere from ten to fifteen thousand dollars for developing water.

Mr. RHODES. And what other reservations?

Mr. MERITT. The Mescalero Reservation, the Ute Mountain Reservation, the San Carlos and Fort Apache Reservations, the Truxton Canon Reservation, the Shoshone Reservation, all have similar conditions.

The CHAIRMAN. You do not mean that you would expend \$50,000 this year?

Mr. MERITT. Not all in one year.

The CHAIRMAN. But in all?

Mr. MERITT. Yes, sir.

Mr. RHODES. Well, I think inasmuch as the sum appropriated in the last Indian appropriation act has not been expended, it seems to me that one-half this amount in addition to what has already been authorized would be reasonable.

Mr. HAYDEN. Mr. Meritt explained why he was unable to report about what had been done with the appropriation made in the last

Indian appropriation bill, stating that the money was not available until the last day of July, and it is available until the 1st day of next July.

The CHAIRMAN. We appreciate that, Mr. Hayden, but it has been the rule—I have seen it several times since I have been in this committee—that we would make a reasonable appropriation for the first year, and nothing comes of that to amount to anything. Then, we go on and appropriate an equal amount the next year, and even the next year nothing has been done. It seems to me well to safeguard this by cutting this in two until we know what can be done with it.

Mr. RHODES. If the showing is good, the amount can be increased next year.

Mr. HERNANDEZ. Well, the question is this: These people need water. They have got to have water holes if they are going to engage in stock raising. Take an Indian reservation out near my place with 12,000,000 acres. I do not know that there are two large streams of water on that reservation. This amount could be expended all in providing water holes for these Indians, and if the leasing proposition was taken up, if we are going to lease this land to outsiders to graze stock on it, we could graze it to so much greater advantage for the Indians and the department by having water holes there. I think it is a very beneficial expenditure of money.

Mr. MERITT. If this appropriation is allowed, we will use it on the reservations where the Indians themselves own the stock and where they are developing the stock industry and trying to become self-supporting. If you allow us the \$50,000 this year and if we do not make a good showing next year, we will accept a cut on it.

The CHAIRMAN. Haven't these Indians any money of their own? Have they any tribal funds?

Mr. MERITT. Most of these Indians are very poor Indians.

The CHAIRMAN. There is no way that we could use the soothing effect of writing the word "reimbursable" in there, is there?

Mr. MERITT. Well, that could be written in, but the reimbursable feature would be like a lot of the other items in the past.

Mr. CARTER. Mr. Meritt, is any of this money under this item used to procure water on reservations that are leased?

Mr. MERITT. Some of these reservations have outside cattle on them. For example, the San Carlos Reservation.

Mr. HAYDEN. I understand that on the San Carlos and the Truxton Cañon reservations certain areas of the reservations have been set aside for the Indian stock; certain other areas are leased. In all the leases the stockman is required to do a certain amount of water developing, which remains as a permanent benefit to the reservation, but on those parts not leased, where there are Indian cattle only, there is nobody to do that development.

Mr. CARTER. Is the land fenced?

Mr. MERITT. We are requiring the stockmen to do the fencing. You will find that is one of the considerations of the leases.

Mr. CARTER. So that, if this money is properly expended, it could in no wise be called a "white man's" bill?

Mr. HAYDEN. I think we could safeguard it; insert the word "Indian" in front of "stock," on line 7. That would make it clear.

The CHAIRMAN. If it is agreeable, it will be so ordered.

Mr. HAYDEN. I suggest as a heading for this appropriation, "Developing Stock Water."

The CHAIRMAN. Wouldn't it be better to use the words "water for stock"?

Mr. RHODES. If we are going to be consistent, let us say "Developing water for Indian stock." That makes it consistent all the way through.

The CHAIRMAN. Is there anything further to be said on this, or is there any motion to be offered? If not, we will leave the amount as it is and adjourn until to-morrow morning at 10 o'clock.

(Whereupon the committee adjourned at 1.10 p. m.)

COMMITTEE ON INDIAN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., December 11, 1919.

The committee assembled at 10 o'clock a. m., Hon. Homer P. Snyder (chairman) presiding.

STATEMENT OF MR. EDGAR B. MERITT, ASSISTANT COMMISSIONER OF INDIAN AFFAIRS—Continued.

The CHAIRMAN. The next item begins in line 10, page 21, reading as follows:

For initial payment for goods and supplies purchased for the Indian Service, \$500,000, or so much thereof as may be necessary, to be immediately available and to be reimbursed by transfer through accounts of disbursing officers or otherwise from appropriations and funds which are applicable for the various agencies and projects to which the goods and supplies are subsequently distributed: *Provided*, That the sums so reimbursed may be reexpended under the same conditions in payment for other purchases made for the fiscal year ending June 30, 1921.

I make a point of order on that myself; and unless there is objection we will read the next.

Mr. ELSTON. What is the idea, Mr. Chairman, in eliminating it without discussion?

The CHAIRMAN. Because we have already discussed the item in another bill; it was not in the bill last year at all, and it does not seem to me that, at a time like this, we should start a new proposition of that kind. It is establishing a new policy in the matter of purchasing goods, which, I am bound to say, I think in the long run would be to the advantage of the service, but there are so many things which need correcting it does not seem to me justifiable to start a project which will require considerable new machinery for operation until we have some of the machinery now in operation running in such shape that all of the machine functions.

Mr. ELSTON. I remember reading in the hearings last year that this item was suggested, and I was very much impressed with the possible economy and efficiency involved in the working of a section of this kind. I have forgotten now the exact argument made for it; but it impressed me very favorably, and I thought it was a good business proposition to adopt.

The CHAIRMAN. You are absolutely correct. It is a good business proposition, but in my judgment it would not be the right thing to adopt it now.

Mr. ELSTON. Of course, now, we have pronouncements from the leaders of both sides of the Houses that economy will be the watchword; and this is an additional burden on our finances at this time; and I assume that there is no desire to overburden them, even for an object that might be good.

The CHAIRMAN. If things are corrected in a measure throughout the country and in this service, I shall not oppose this appropriation at another time.

Mr. ELSTON. Did you make any estimate, Mr. Meritt, as to how much that would save the Government a year?

Mr. MERITT. We estimate that we can save anywhere from 2 to 5 per cent on our purchases if we have this appropriation.

Mr. ELSTON. And how much do the aggregate purchases amount to in a year?

Mr. MERITT. We purchase approximately \$4,000,000 worth of goods.

Mr. ELSTON. Then you feel that by the turnover of this revolving fund, which stays constant, I understand, you would save \$50,000 to \$80,000 a year?

Mr. MERITT. Approximately that. May we place in the record a justification of the item?

The CHAIRMAN. Yes.

Mr. MERITT. I offer for the record the following justification:

REVOLVING FUND, PURCHASE OF SUPPLIES.

Appropriations and funds available for expenses of the Indian Service are allotted to the disbursing officers of the various agencies, schools, and projects, who are required to make payment direct to contractors and others for goods and supplies purchased for their respective units. This is the only practical way to handle the matter in view of the large number of appropriations and funds involved and the fact that an efficient record of encumbrances can be kept only by disbursing officers in the field. However, it frequently results in undue delays in payment because disbursing officers, for one reason or another, have not sufficient applicable funds on hand when the invoices are received. Moreover, it is necessary for dealers to execute separate vouchers for each unit of the service to which the supplies are destined, and to receive payment in a number of checks at different times from different places. These things have created quite a little dissatisfaction among contractors and other dealers, and operate, undoubtedly, to increase their prices.

If the desired reimbursable appropriation is allowed payment can be made therefrom by warehouse superintendents on one invoice by one check just as soon as the goods are delivered, and when they are distributed to the various units of the service adjustments can be made on transfer vouchers by crediting the reimbursable appropriation and debiting appropriations and allotments available for the purpose at the different units. This will enable the Indian Office not only to make immediate settlements, and thereby obtain better prices, but also to take advantage of cash discounts when offered, which will result in considerable saving of money to the United States.

Mr. ELSTON. I do not intend to question the reasons given by the chairman for cutting out this item at this time; but I would like to put myself on record as being favorably-disposed to the item when it comes up at a time when we will be able to consider it.

The CHAIRMAN. The next item begins page 21, line 20:

There is hereby appropriated, from any fund in the Treasury of the United States not otherwise appropriated, \$6,000, or so much thereof as may be nec-

essary for the payment of newspaper advertisements of sales of Indian lands, reimbursable from payments by purchases of costs of sale under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. MERITT. We offer for the record the following justification:

The cost of advertising Indian lands for sale which, under the rules and regulations of the department, are paid by the successful bidder, the advertisements run for 60 days, and the bidder is allowed 30 days after notice that his is the highest bid to complete payment. Many times no bids are received. The newspapers, therefore, have to wait 90 days and sometimes indefinitely for payment. Better rates can be obtained and more satisfactory arrangements made if cash is paid when the contract is made. It is estimated that a reimbursable appropriation of \$6,000 will enable the business to be transacted upon a cash basis without the assistance of the Government, except the use of its funds for a short period.

The CHAIRMAN. From what fund have you been paying these items?

Mr. MERITT. From the proceeds of the sale of the land.

The CHAIRMAN. And the papers or periodicals which carry these advertisements get their pay when the party who either buys or sells the land gets around to paying them for it?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Well, why is that a burden upon the bureau, so long as the charge for advertising follows the sale? Why should the bureau be responsible for the payment of that advertising charge at all?

Mr. MERITT. We cause these advertisements to be inserted in the papers so as to get competition for the Indian lands. Newspapers have complained of the delay in getting their money for this advertising; and at the request of Mr. Gandy, of South Dakota, we incorporated this item in our estimates.

The CHAIRMAN. Has anybody else any questions to ask about that? What do you think about it, Mr. Hayden?

Mr. HAYDEN. It seems to me that if this advance can be immediately reimbursed, so that the Treasury is not out the money for any considerable length of time, it will be good business to do so. Are you sure of getting the money back right away?

Mr. MERITT. The money will without question be reimbursed.

The CHAIRMAN. Well, suppose you advertise property and the property is not sold?

Mr. MERITT. Well, we would advertise it again and take the total advertising expense out of the sale of the property.

The CHAIRMAN. Out of the property—the property that was sold, or the property that was not sold, or the property when sold?

Mr. MERITT. The property when sold.

The CHAIRMAN. Then, you might continue to advertise the same property a great many times?

Mr. MERITT. We usually can sell land at either the first or the second sale; that is our experience.

The CHAIRMAN. Well, I personally do not see any real objection to that item; but I am very fearful that, unless we have a very good reason for it, it will probably go out in the House, on the theory that it is a new item and might run into another item of the reimbursables we would be a long time in recovering.

Mr. ELSTON. Does this save trouble or money?

Mr. MERITT. It saves trouble, and will satisfy the newspapers that carry the advertising.

Mr. ELSTON. Well, are they not perfectly willing, ordinarily, to carry the advertising until the money is obtained from the sale?

Mr. MERITT. We have had complaints from the newspapers because of the delay in receiving their money for the advertising.

Mr. ELSTON. There is no way for you to pay for such advertising except from a fund already appropriated, because you have no other fund upon which to draw for this advertising?

Mr. MERITT. No, sir.

Mr. ELSTON. It looks to me, Mr. Chairman, like it is good business to be able to pay a newspaper within a few months of the time it puts in the advertisement; and if the land is not sold they might wait three years; and it is not good business for the Government to conduct its affairs in that way.

The CHAIRMAN. Will you be able to tell whether or not the reimbursement is being carried out along the line you have suggested it will be?

Mr. MERITT. Yes, sir.

The CHAIRMAN. I am willing, so far as I am concerned, to let it stay in.

Mr. ELSTON. I would suggest that we give this item a heading, "Advertisement of sales of Indian lands, reimbursable."

The CHAIRMAN. All right. The next item, page 22, line 3, is as follows:

That hereafter the Commissioner of Indian Affairs may authorize the printing and issuing by Indian schools and agencies of such journals, magazines, periodicals, and other publications as, in his judgment, will aid in the education and civilization of the Indians."

Mr. MERITT. I offer for the record the following justification:

For many years certain Indian schools and agencies have published a paper or magazine, chiefly relating to the affairs of that particular jurisdiction, which has been of great value in disseminating information in regard to tribal affairs, health, and sanitation, and the industrial pursuits of the Indians; and by commendatory notices they have been made a means of stimulating the Indians to take a pride in progress and achievement.

At the schools the work has been a part of the vocational training of pupils in the printing trade and in the training of all children in the use of English, as they have been encouraged to contribute to certain portions of the periodicals. The school magazines form a link between the returned student and his school life, with its ideals and all its helpful influences, often the best the individual has ever known. Discontinuance of the school magazines would remove a most powerful influence for good which the school now exercises over its alumni.

The vocational division of the course of study in use throughout the Indian school service calls for four years' work in printing. In order to benefit from this course students must have actual experience in a print shop, conducted as nearly as possible in conformity with the methods employed in a commercial plant of similar size, equipment, and capacity. It is aimed to train students to become competent workmen in the several departments of the printing trade. Getting out the customary periodicals is an essential part of the instruction of these pupils. It is obvious that the purpose of the publications, so far as instruction of pupils is concerned, would be defeated if the work were done any place other than the school print shop.

The CHAIRMAN. To what extent is this being carried on now in the schools and on the reservations?

Mr. MERITT. We have school publications at our larger nonreservation boarding schools. We have one publication at the Phoenix

Indian School, in Arizona; one at the Salem School, in Oregon; one at the Riverside School, in California; one at the Chilocco School, in Oklahoma; and one at the Haskell School, in Kansas.

Mr. ELSTON. How is it that they are conducted without any authorization from Congress, and you now come to get a special authorization for the continuance of what you are doing now?

Mr. MERITT. There was some legislation passed by Congress at the last session, in one of the general appropriation acts, which required that all Government printing shall be done at the Government Printing Office, except such printing as the Joint Committee on Printing authorized to be printed elsewhere. And we have a temporary arrangement with the Joint Committee on Printing to continue these magazines for the present.

Mr. ELSTON. Then this is not intended to launch out into a wider field of endeavor along this line, but merely to keep in status quo what is now being done, and satisfactorily done?

Mr. MERITT. Yes, sir; it is not our purpose to print any additional magazines under this authority; it is simply legislative authority to continue to do what we have been doing in the past.

Mr. ELSTON. On the basis of this authority, would you come in with any additional recommendations for appropriations to establish new printing plants and machinery, and so on, so that we could say that this might be the beginning of a new activity of some kind?

Mr. MERITT. No, sir; we would not have to ask for any additional appropriations, and we would not object to a proviso that no additional Indian publications shall be authorized because of this legislation.

Mr. ELSTON. Well, I believe that it would be a very good idea to write that suggestion in here, to stay any person who might be disposed to make a point of order against this.

The CHAIRMAN. Are not these Indian publications self-supporting by the advertising that they get?

Mr. MERITT. No, sir. In the past they have been partly self-supporting; but they are supported usually out of the Indian moneys, proceeds of labor at these various schools.

Mr. ELSTON. In other words, the Government is not appropriating to maintain these publications?

Mr. MERITT. The general policy is to have them supported out of Indian moneys, proceeds of labor; but under the past practice, where the money was not sufficient, we have used Government appropriations for that school to maintain the publication.

The CHAIRMAN. Out of the regular school appropriation?

Mr. MERITT. Yes, sir.

Mr. HAYDEN. I know that there has been a very efficient print shop at the Phoenix Indian School for a number of years. As a result of teaching the printer's trade in that school there are now in the various newspaper offices in Arizona a considerable number of Indian printers who thus learned their trade. I have heard them spoken of very highly by the newspaper men in my State.

The publication published at the Phoenix Indian School, on its latest appearance, had no cover, for the reason that the regulations of the Joint Committee on Printing prohibited the printing of more

than eight pages. But the Joint Committee on Printing now has authority to supervise all of these field publications, because during the war the various bureaus here in Washington were having their own printing done, instead of sending it to the Government Printing Office. Congress passed a very drastic law providing that all Government printing must be done at the Government Printing Office, unless permission is granted by the Joint Committee on Printing.

In taking jurisdiction of this matter the Joint Committee has interfered with the publication of a number of Indian school publications. There has also been complaint from the various Army hospitals in the country, where they were getting out publications to cheer up the wounded soldiers.

The CHAIRMAN. But how can we put something in this act that will nullify that provision of which you speak?

Mr. HAYDEN. This language, as I read it, would amount to a repeal of the general law so far as publications issued by Indian schools are concerned.

Mr. ELSTON. That opens up a question of policy. If every department of the Government should now endeavor, through its special appropriation bill, to get in a clause like this, authorizing its particular chief, in his discretion, to maintain such publications as he desired, apart from any supervision by the Joint Committee on Printing, in pursuance of an act of Congress already passed, it would practically nullify the whole effect of that recent law.

Mr. HAYDEN. Yes; and for that reason I think we should be very particular about the language used. That is why I believe we should adopt the suggestion made by Mr. Meritt. You will note that the authority granted to the Commissioner of Indian Affairs extends only to publications at Indian schools. Any printing done in Washington must be done in the Government Printing Office in the usual way; but so far as an Indian school is concerned, where they have a journal or magazine they will be permitted to print such a publication on the commissioner's authorization. We could also insert a proviso to the effect that this legislation shall not authorize the establishment of any new publication in any Indian school.

The CHAIRMAN. Well, of course, I would not be agreeable to the section at all unless something of that sort was put in. What language do you suggest, Mr. Meritt?

Mr. KELLY. Let me ask, Mr. Chairman, whether there is any money that comes in from subscriptions to these publications? Take, for instance, the students who have left the school who receive the paper; do they pay anything for it?

Mr. MERITT. Some of the publications charge for subscriptions; but I do not believe that any of the publications are entirely self-supporting, especially in view of the fact that the advertising privilege has been taken away from them.

Mr. ELSTON. In view of the fact that this would be an endeavor by the Commissioner of Indian Affairs to perpetuate existing publications, aside from any permission from the Joint Committee on Printing, do you feel that, if it is followed by similar requests from other departments of the Government who are maintaining publications of the same kind, it would whittle away the effect of the

recent bill which had for its purpose the collection of all of these authorities in the hands of one body and their control by that body?

Mr. MERITT. I think the real purpose behind the enactment of the legislation in the last Congress was to prevent commercial printing—having printing done by the Government departments that should go to the Government Printing Office; and I do not believe that they contemplated in the enactment of that legislation shutting off publications at Indian schools that are used for the purpose of teaching Indians the printing trade.

Mr. ELSTON. Well, then, why do you feel that you have to get the permission of the Joint Committee on Printing to continue the publications already in existence?

Mr. MERITT. Because the legislation is so broad as to include all publications by the Government.

Mr. HAYDEN. As I understand the situation, there arose during the war a demand for publications by the various bureaus in the city of Washington, who claimed that their work was urgent, and that the Government Printing Office was so rushed that it could not be done on time. Therefore this urgent work was given to private printing establishments in the city of Washington, or in New York. Every bureau was seeking publicity, on the theory, perhaps, that publicity would win the war, that we must cheer up the morale of the people, and they undoubtedly overdid it to a large extent. Such publicity might have been justified during the war, but now that the war is over anything can be printed in the Government Printing Office should be printed there. The Joint Committee on Printing should have the authority that was granted to it with respect to printing for the bureaus in Washington. But it is obvious that the permission should be granted to the students of an Indian school two or three thousand miles from Washington to print their magazines without sending the work to Washington. Unless we authorize the printing to be done in the schools the Indian students can not be taught the printers' trade.

Mr. ELSTON. Then, I suggest that, in addition to the amendment that has already been brought out, we should add a clause to the effect that any printing authorized shall be done in existing shops in existing schools or agencies, and shall not be left to outside concerns. Would that be reasonable?

The CHAIRMAN. What language have you to suggest, Mr. Meritt?

Mr. MERITT. I suggest that you incorporate after the word "Indians," in line 7, page 22, the following proviso:

That this shall not authorize any new publications in the Indian Service.

The CHAIRMAN. It seems to me that that ought to cover it.

Mr. ELSTON. Well, do I understand correctly that the printing of all these publications is done in the schools, and not by outside concerns?

Mr. MERITT. Yes, sir.

Mr. ELSTON. Well, do you not think you might as well put that in to show that you are not going contrary to the policy announced in this previous enactment, which would have the effect of prohibiting outside printing unless it is specially authorized?

Mr. MERITT. We would like to be careful about that, because under the existing law we can have printing done by outside printing firms

and local print shops, provided we do not use Government funds; we can use, as I understand it, Indian funds.

Mr. ELSTON. But there is a law already in effect that applies to that?

Mr. MERITT. Yes, sir.

Mr. ELSTON. If a school or agency wanted to get some printing done outside, you could spend tribal funds for that purpose, could you not?

Mr. MERITT. But not gratuity appropriations by Congress.

The CHAIRMAN. Not gratuity appropriations. Now, do you want to restrict that?

Mr. ELSTON. The only thing I thought about it was that the very inclusive authority given here might be taken as being a repeal to that extent of the limitations of previous acts, which prevented the Commissioner of Indian Affairs from having outside printing at Government expense. It might be construed in that way; I do not know.

The CHAIRMAN. Well, what do you suggest?

Mr. ELSTON. Well, I just put that out as a suggestion; and if Mr. Meritt thinks it is covered by existing law, all right. I think he will put this in as good shape as he can to resist the assault of any Member who wants to make a point of order; and if he is willing to take the chances, I am.

Mr. HAYDEN. I suggest that you insert in the hearings the law which prohibits the expenditure of gratuity appropriations for printing for outside printing.

The CHAIRMAN. Yes; that can be incorporated.

Mr. MERITT. I will insert that in the record.

(The enactment referred to is as follows:)

PERIODICALS AND FIELD PRINTING.

[Authority: Section 11 of Public Act No. 314, Sixty-fifth Congress, approved Mar. 1, 1919.]

The Joint Committee on Printing shall have power to adopt and employ such measures as, in its discretion, may be deemed necessary to remedy and neglect, delay, duplication, or waste in the public printing and binding and the distribution of Government publications:

Provided, That hereafter no journal, magazine, periodical, or other similar publication shall be printed and issued by any branch or officer of the Government service unless the same shall have been specifically authorized by Congress, but such publications as are now being printed without specific authority from Congress, may, in the discretion of the Joint Committee on Printing, be continued until the close of the next regular session of Congress, when, if authority for their continuance is not then granted by Congress, they shall not thereafter be printed:

Provided further, That on and after July 1, 1919, all printing, binding, and blankbook work for Congress, the Executive office, the judiciary, and every executive department, independent office, and establishment of the Government shall be done at the Government Printing Office, except such classes of work as shall be deemed by the Joint Committee on Printing to be urgent or necessary to have done elsewhere than in the District of Columbia for the exclusive use of any field service outside of said District.

Indian school publications, printed by and for the Indian students and largely supported by subscriptions and advertising. Most of these publications are mailed under the frank of the Interior Department. (Continuance authorized by J. C. Reg. No. 2, par. 3.) Annual cost of each not to exceed \$1,500. (See J. C. Reg. No. 5, par. 5.)

Indian News.—Monthly; by pupils of Genoa (Nebr.) Indian school; 600 copies; annual cost, \$832.34. Subscriptions, \$24. First issue, 1899. Advertisements.

Indian School Journal.—Monthly; by Chilocco (Okla.) Indian Agricultural School, 483 copies. Total cost, \$475. Subscriptions, \$250. First issue, 1900.

Chilocco News.—Weekly; by pupils of Chilocco (Okla.) Indian Agricultural School, 1,000 copies; cost, \$50 for the first issue. Subscriptions, \$85.30. First issue, 1919.

Indian Enterprise.—Monthly; by pupils of the Carson School, Stewart, Nev., 300 copies; cost, \$200. Subscriptions, \$5. First issue, 1917.

Indian Leader.—Weekly; by pupils of Haskell Institute, Lawrence, Kans.; 1,300 copies; cost, \$1,350. Subscriptions, \$200. First issue, 1907.

Chemawa American.—Monthly; by pupils of Salem Training School, Chemawa, Oreg.; 800 copies; cost, \$403.96. Subscriptions, \$25. First issue, 1897.

Nez Perce Indian.—Monthly; by pupils of Fort Lapwai School, Lapwai, Idaho; 300 copies; cost \$130. No subscriptions.

Tulalip Bulletin.—Monthly; by pupils of Tulalip Agency, Tulalip, Wash. Printed at Everett, Wash. Cost, \$325. No subscribers. First issue, 1916. Discontinued August 1, 1919, by order of superintendent.

Sherman Bulletin.—Weekly; printed at Sherman Institute, Riverside, Calif.; 800 copies; cost, \$925.71. 94 subscribers. First issue, 1907.

Red Lake News.—Monthly. Red Lake School, Bemidji, Minn.; 300 copies; cost, \$125. Subscriptions, \$75. First issue, 1912. Advertisements.

Oglala Light.—Monthly; printed at Oglala Indian Boarding School, Pine Ridge, S. Dak.; 275 copies; cost, \$850. Subscriptions, \$50. First issue, 1900. Advertisements, \$83.

Native American.—Semimonthly; printed at United States Indian School, Phoenix, Ariz.; 1,120 copies; cost, \$1,546.50. 520 subscribers. First issue, 1900. Advertisements.

Brule Farmer and Stockman.—Monthly; printed at Indian School, Lower Brule, S. Dak.

Mesquakie Booster.—Monthly; printed at Sacs and Fox Sanatorium, Toledo, Iowa.

Indian Scout.—Monthly; printed at United States School, Shawnee, Okla. Advertisements.

Fort Totten Review.—Monthly; printed at Indian School, Fort Totten, N. Dak.

Flandreau Review.—Monthly; printed at Indian School, Flandreau, S. Dak. Advertisements.

The CHAIRMAN. The next item is on page 22, line 8, and reads as follows:

That any disbursing agent of the Indian Service, with the approval of the Commissioner of Indian Affairs, may authorize a clerk employed in his office to act in his place and discharge all the duties devolved upon him by law or regulations during such time as he may be unable to perform the duties of his position because of absence, physical disability, or other disqualifying circumstances: *Provided*, That the official bond given by the disbursing agent to the United States shall be held to cover and apply to the acts of the employee authorized to act in his place, who shall give bond to the disbursing agent in such sums as the latter may require and, with respect to any and all acts performed by him while acting for his principal, shall be subject to all the liabilities and penalties prescribed by law for official misconduct of disbursing agents.

Mr. MERITT. I offer for the record the following justification:

The purpose of this proposed legislation is self-evident. It frequently occurs that disbursing officers are disabled by sickness or are necessarily away from their offices for extended periods on court or other official business. For disbursements to stop at such times is extremely embarrassing, especially where Indians are dependent upon checks issued to them by disbursing agents against their individual money accounts.

The desired authority for the designation of deputies by disbursing agents of the Indian Service is in line with the legislative authority granted to disbursing clerks or agents of the executive departments and independent bureaus and offices in Washington by the deficiency act, approved March 4, 1909 (35 Stat. L., 1027), which reads as follows:

"SEC. 8. In case of the sickness or unavoidable absence of any disbursing clerk or disbursing agent of any executive department, independent bureau, or office in Washington, District of Columbia, he may, with the approval of the head of the department, independent bureau, or office, in which said disbursing clerk or agent is employed, authorize the clerk of highest grade employed therein to act in his place, and to discharge all the duties by law or regulations of such disbursing clerk or agent. The official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases. Such acting officer shall, moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases, of the disbursing clerk or disbursing agent, respectively, for whom he acts, and such acting officer shall be required by the head of the department, independent bureau, or office, to give bond to and in such sum as the disbursing clerk or disbursing agent may require."

Mr. ELSTON. I doubt the power of Congress to impose on a bond already given an additional burden of responsibility for the acts of a substitute, which might not be contemplated in the contract made by the bonding company initially. You can not change the terms of a contract by enacting that the bond shall carry the additional burden of responsibility for a substitute.

Mr. HAYDEN. That seems to be a very serious legal question.

The CHAIRMAN. I make a point of order on it.

Mr. ELSTON. Unless the terms of the bond are such that the company agrees to carry the burden of the acts of the disbursing officer according to the law then in force or according to any other statute thereafter passed—which might not, however, contemplate the responsibility for a substitute. Now, that criticism does not go to the heart of this section at all, but is just a question of law with regard to our power to change the terms of a bond. But that could be done with regard to any future bond which might be drawn.

The CHAIRMAN. It could, provided you specified in that bond the person who was going to substitute for the responsible agent.

Mr. MERITT. We very frequently require superintendents to furnish new bonds. If this legislation is enacted, we will require the bonding companies to conform to the legislation, and in each case we will designate the chief clerk of the reservation to perform the duties in the absence of the superintendent. The need of this legislation is somewhat urgent; for example, recently we had here before the Senate Committee on Indian Affairs, in connection with the Crow Reservation, Supt. Asbury of that reservation. All the checks and payments were held up on that reservation during his absence, for a period of more than three weeks, which resulted in great inconvenience to the work of the agency and in some cases in hardships to the Indians.

The CHAIRMAN. Who pays the premiums on those bonds?

Mr. MERITT. The superintendent.

The CHAIRMAN. And that is deducted from his salary?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Of course, if you embodied two men on the same bond the premium for the bond would be larger.

Mr. MERITT. I doubt if the bonding companies would raise the premium because of this legislation. We are not permitted by law to pay the premium on bonds of bonded officers.

The CHAIRMAN. Well, of course, when I made a point of order I had the business effect of this proposition in mind. I can myself

see the necessity of having a second responsible disbursing officer at each disbursing point. This is the first time, however, that I have heard the question raised and it seemed to me that it would involve a different kind of bond and I have never discovered a bonding company willing to take a bond on an entire office force, making one man responsible for the acts of another; and I do not see how you can do it here. It may be that the Indian Service is able, by some magic process, to do that; but I have never heard of it before.

Mr. ELSTON. I think you would have to get a new bond, or have the original bond so inclusive as to cover the acts of the particular officer, or any one designated by him.

Mr. MERITT. A new bond would be necessary.

The CHAIRMAN. If the committee thinks this is a proper section, I will withdraw the point of order.

Mr. GANDY. I have just one question: Would you not avoid what you have in mind, Mr. Chairman, if you simply provided, not that the bond should cover two, but that a new bond should be given?

The CHAIRMAN. But the section is broad; it not only covers the second officer in the activity, but any clerk or employee of the office who might be called upon to do the work during the absence of the responsible officer.

Mr. GANDY. I know; but that is the second one that we all have in mind; he may designate any clerk; but it does not mean that the bond should cover all of them, but just the one out of that number that he designates. You might pass that over, Mr. Chairman—

Mr. ELSTON (interposing). My objection is more to the language, which reads that the bond given by the disbursing agent shall be held to cover and apply to the acts of the employee authorized to act in his place. That assumes the right of Congress to impose into the terms of a contract already made a new condition; and, of course, it is an assumption of power that Congress has not got, and it is on a wrong theory, according to my notion, of our legal rights; and it could well be rephrased so as not to attract the criticism of some person who might have the same conception that I have in regard to the legal effect of the words.

Mr. HAYDEN. I suggest that we pass that over and let Mr. Elston prepare an amendment.

Mr. RHODES. Let Mr. Elston suggest one.

The CHAIRMAN. We will pass it over until to-morrow morning; and in the meantime if Mr. Meritt will suggest some language which will meet the criticisms of Mr. Elston and the other members of the committee, I will withdraw my objection to it until that time.

The next item is on page 22, beginning on line 23:

That hereafter in the sale of all Indian allotments, or in leases, or assignment of leases, covering tribal or allotted lands for mineral, farming, grazing, business or other purposes, or in the sale of timber thereon, the Secretary of the Interior be, and he is hereby, authorized, in his discretion and under such regulations as he may prescribe, to charge a reasonable fee for the work incident to the sale, leasing, or assigning of such lands, or in the sale of timber, to be paid by vendees, lessees, or assignees, the amounts collected to be used for defraying in whole or in part, the administrative expenses of the Indian field service of the particular reservation where such lands, or the timber thereon, are sold, leased, or assigned.

Mr. MERITT. I offer for the record the following justification:

JUSTIFICATION.

It has been customary for some time to charge a fee with the filing of applications for oil and gas mining leases, assignments and modifications thereof. It is believed that a similar charge should be made in connection with farming, grazing and business leases. There being a far greater number of such leases than of the former, a reasonable charge for the execution thereof, and for transfers and modifications thereof, would produce a considerable revenue which, when used in defraying the expense of the service as proposed, would greatly reduce the same, which has heretofore been borne entirely by the Government.

The same reasons which justify a charge for service in connection with leases of Indian lands apply also to sales. In fact, a small charge is now made to purchasers to cover the expense of advertising, but it is not entirely sufficient for the purpose.

There should also be a charge in connection with the sale of timber and the administration of Indian forests, so as to make that branch of the service self-supporting.

Mr. KELLY. You used the word "reasonable" there—"reasonable fee." That is a pretty broad term; what would the bureau consider would be a reasonable fee in such cases?

Mr. MERITT. A fee sufficient to cover the actual cost of the service rendered would be, in our judgment, a reasonable fee, and we would work that out in each case.

Mr. KELLY. In each case; it would not be on any percentage basis, of course, but the actual cost?

Mr. MERITT. That is correct. I would suggest, in line with what Mr. Elston brought out the other day, that this should be amended by inserting after the word "timber," in line 5, page 23, "or in the administration of Indian forests" so as to not only require collection of fees on the sale of timber, but to actually make the administration of the Indian forests self-supporting. The Indians own about \$80,000,000 worth of timber; and it seems unfair to the taxpayers of the country to require them to tax themselves to take care of this timber.

Mr. GANDY. Mr. Meritt, you do not want to leave the statement stand that all of this is now paid for by the Government, do you?

Mr. MERITT. A part of it is.

Mr. GANDY. Yes; because a lot of these reservations are self-supporting?

Mr. MERITT. Yes, sir.

Mr. GANDY. Do you think this would help the Indian Service on those reservations?

Mr. MERITT. It would cause us considerable trouble and a great many complaints; but we think it is only proper that this legislation should be enacted. It is in line, Mr. Gandy, with the facts brought out in the recent investigation of Indian affairs; and it was in the spirit of cooperation with the committee that we drafted this item and included it in our estimates.

Mr. ELSTON. You say here that—

The amounts collected are to be used for defraying, in whole or in part, the administrative expenses of the Indian field service of the particular reservation where such lands, or the timber thereon, are sold, leased, or assigned.

Would that have the effect of an authority for the expenditure of these collections in addition to appropriations made for those pur-

poses on those reservations and be, in fact, a reappropriation of the amounts collected, instead of their being covered into the Treasury?

Mr. MERITT. No, sir; that language was not intended to cover that thought.

Mr. ELSTON. Well, it looks to me as if that was the effect of it.

Mr. MERITT. This is what was intended to be covered by that language: On some of our reservations we have other activities besides these particular activities enumerated in this item, which should be paid for by gratuity appropriations by Congress; and it was to cover that feature of the work that that language was included in the bill.

Mr. ELSTON. Do you not think it would be better to rephrase that to say that this amount should be covered into the Treasury, so that the committee would know just what the additional needs would be for which you expected to use these collections, and in that way have some control over the use of additional funds by the bureau? These collections may amount to several hundred thousand dollars; and if they come into your hands and are used on the reservations concerned in addition to the appropriations made for particular purposes for those reservations, it would look to me as if——

Mr. MERITT (interposing). We did not intend the amounts collected to go into the Treasury; we intended them to go for the administrative expenses on the reservation.

Mr. ELSTON. Let me get this plain: Then the idea is this: that Congress is now appropriating various amounts for these various services; that is correct, is it?

Mr. MERITT. That is correct.

Mr. ELSTON. And as the services are performed by particular officers of the Government in these various branches, those officers are paid initially out of funds already appropriated?

Mr. MERITT. Yes, sir.

Mr. ELSTON. Then these collections are made for that same service, which has already been paid for out of appropriations and covered by appropriations already made; and you intend to use these collections to offset that outlay by the Government and reimburse it for the initial payments it has made by reason of appropriations covering the work; or you expect to use these amounts collected for additional services or work needed on the reservation? I can not understand that.

For instance, take the forests. We expect to appropriate an amount sufficient to cover all of the work to be done for the forests by way of administration, sales, assignments, and so on; then we expect to have an offset for that amount spent by reason of collections back. Now, the only way the Government is going to make anything out of this levy of fees would be to have that amount covered right back into the Treasury.

Mr. GANDY. On that subject, Mr. Elston, you would want to add to the credit of the particular reservation where collected, because many of these reservations are entirely self-supporting, except for some little treaty item.

Mr. ELSTON. Well, we could do this: We could make a preliminary estimate at this time of what those collections might be and then ratably reduce the appropriations which we are now contemplating

for those purposes. If we do not do one or the other of those two things, we are really appropriating so much more in addition to the amount of these collections made for the free use on the reservations from which the collections are made. It seems to me that that is obvious.

The CHAIRMAN. What have you to say in answer to that statement, Mr. Meritt?

Mr. MERITT. The Chairman will recall that two or three days ago I called attention to the fact that if this item is included in the bill, we can make a reduction in the forestry item, and make a saving—

Mr. ELSTON (interposing). That is it exactly; when we come later to the forestry item—I believe we have already passed that. We ought to go back and reconsider that item and ratably reduce the appropriation.

The CHAIRMAN. That was the intent in connection with the matter; but I wanted to have that discussion first.

Mr. MERITT. The proceeds of this legislation, if enacted, will not go back into the Treasury of the United States; they will be used to pay at least a part of the administrative expenses on the Indian reservations. We are now collecting fees in certain cases on certain reservations, but not in sufficient amounts that would be collected under this legislation. And if this legislation is enacted it will necessarily reduce the amount of the gratuity appropriations that are being used at the various agencies.

Mr. ELSTON. It would result in a surplus at the end of the fiscal year in that particular appropriation, which would thereby lapse into the Treasury; is that right?

Mr. MERITT. Yes, sir.

Mr. ELSTON. That is exactly what I wanted to get in there; that instead of then reducing the amount of the appropriations in the present bill for these purposes in advance of knowing what these collections will be, you anticipate that if the collections are made, to that extent there will be a less draft on the appropriation made for the particular purpose, and that at the end of the fiscal year that particular appropriation will show a surplus which will immediately lapse to the Treasury, and thereby make a saving in the amount that is expended by the Government?

The CHAIRMAN. In the next bill that item can be reduced materially?

Mr. MERITT. Yes, sir. We would like to have one year's experience in this legislation, so as to guide us in making up our estimates for the Indian bill.

The CHAIRMAN. Yes. Is there any suggestion of any other change of language for the timber item?

Mr. ELSTON. I would like to have that language included, and I would like to have it absolutely understood that, if so many clerks are employed in the various lines of work indicated in this section, and that money is paid out of an existing appropriation, and any collections are made later, that would result in a saving and not in an additional expense.

STATEMENT OF HON. FRANKLIN K. LANE, SECRETARY OF THE INTERIOR.

The CHAIRMAN. The Secretary of the Interior has now arrived, and we will discontinue the hearing at the point we had reached in the appropriation bill and hear the Secretary.

I might say, Mr. Secretary, that the particular reason for asking you to come up here to-day is with reference to a certain contract which it is said you have made with one Thomas D. Campbell—not because we have not been fully advised with regard to the matter, and not because the contract has not been carefully explained, but some members of the committee, in view of the fact that it has been stated you drew the contract, and in view of some intricacies about it, thought that we have not been able to really get such information as we desired on it; and knowing that you are probably the busiest man in Washington, we hesitated to ask you to come here during the hearings. And we want to make it plain to you that, so far as Mr. Meritt is concerned, at least, on all occasions he has been able to give us the fullest and most comprehensive information on all questions of any witness that we have had before the committee.

With that statement I will ask the gentlemen who wish to interrogate you on this contract to proceed in the matter.

Secretary LANE. I will be very glad, indeed, to answer any questions.

Mr. RHODES. Mr. Chairman, inasmuch as this particular inquiry arose before a subcommittee, of which I was chairman, in relation to Senate bill 2890, known as the Crow bill, in which Representative Carl W. Riddick, of Montana, was especially interested, I will ask permission to question the Secretary in regard to the so-called Campbell lease.

If you have before you, Mr. Secretary, a copy of the hearings, and will turn to page 12, you will find where this subject was introduced.

The bill under consideration appears on page 43. I will state, Mr. Secretary, that Mr. Riddick opposed this bill in its present form, and with him on that proposition I agreed and a number of the other members of the committee agreed. So that led us to the consideration of the so-called Campbell lease.

The Campbell lease appears on page 28 of this hearing before the subcommittee of November 5, 1919; and as preliminary to the consideration of the Campbell lease you will find on page 19 the statements by Mr. Riddick which led to the controversy. I will now call your attention to what appears on page 19, beginning with a question by myself, as follows:

Mr. RHODES. What do you say the customary rental is on similar land in your State?

Mr. RIDDICK. In Montana it is the custom for people to rent and put into crop large stretches of open land and to protect it from herds, and to put in a crop and break up the land, as Mr. Meritt says, and pay one-third of the crop as rental. In fact, the crops for the first few years on this dry land is the best crop we raise, for different reasons, and there is nothing in taming the land out there, as there is in some States.

Mr. RHODES. Mr. Riddick, how would you compare the rents provided for in this Campbell lease with rents generally prevailing in your State?

Mr. RIDDICK. I would say that the Campbell lease provides for a rental of about one-third as much as the ordinary commercial rate.

Mr. RHODES. Are you speaking now, as a matter of information and observation there, or are you speaking with regard to personal knowledge?

Mr. RIDDICK. I am speaking from my own experience and observation out there, and from my experience as an owner of land who has rented it to others, and a renter of other people's land. I have rented myself land—large tracts of open land—and arranged for the persons to put it into crops, fence it to protect it from range cattle, for one-third of the crops, and I have rented large stretches of other people's land and paid one-third of the crops as rental, with an arrangement to leave the land in good shape.

Mr. RHODES. Mr. Riddick, I have seen it stated in letters received by members of this committee from people in Montana that the amount of rent paid under the existing long-term leases is far below that which is customary in the State of Montana, and that this rent is unreasonably low. And it is further claimed that bona fide residents of the State of Montana are in a position to pay more money for the use of these lands. In your opinion, do you regard the rent as being fair or unreasonably low?

Mr. RIDDICK. In my judgment, there is no question or doubt but that the rent is unreasonably low, because people are trying to rent land out there and are unable to get it, although they are offering for irrigated 50 per cent of the crops, and are offering for nonirrigated land 33½ per cent of the crops, and are willing to comply with all of the provisions of these leases that I have enumerated.

I will now call your attention to page 28, the third paragraph from the bottom, in which the following language appears in the Campbell lease:

That the leases on irrigated lands shall be for a period of 10 years; and that leases on nonirrigable or dry-farm land shall be for a period of 5 years, with a provision for extension to a 10-year period, subject to legislative authorization.

Now, on the question of compensation (p. 28):

The additional consideration for the use of all the irrigated lands leased under this agreement to be 10 per cent of all crops raised during the first 5 years of the lease, and 20 per cent of all the crops raised during the last 5 years.

Mr. Secretary, the rent under the terms of this lease, in the light of Mr. Riddick's testimony, would appear to be about one-third of the rental ordinarily prevailing in that State.

And because of that condition, members of this subcommittee particularly, without knowing how the full Committee on Indian Affairs feels about the matter, did not feel inclined to report that bill favorably in its present form, and at the suggestion of Mr. Riddick the bill was materially amended, and has been reported by Mr. Hernandez in my absence, and is now on the calendar.

Mr. Kelly, who is a member of this committee, sat in with the subcommittee during the consideration of that bill, and also pronounced some very positive views on the subject. And among other things that were objectionable, in addition to the long term of the lease and the low rental, this condition also attracted the attention of the committee: Now, this Campbell lease is rather a contract, and authorizes you, or your department, to negotiate individual leases, and testimony was developed that you, or your department, are now negotiating leases for a period of 10 years; which means that leases are now being made in pursuance of this Campbell contract, reported on page 28, that will not expire until 10 years from this time, or 10 years from whatever time such leases may be negotiated; and our information is that it is the intention of the department to continue the negotiation of these leases up until January 1, 1920, which means that the last Campbell lease, or the last lease

executed in pursuance of the terms of the Campbell contract, can not expire before January 1, 1930.

These facts, when considered in connection with the Senate bill to which I have called attention, were thought impracticable and inconsistent with the idea of turning loose upon the market the large acreage of this land belonging to these Indians.

What we wanted to know particularly was, what are the actual facts in this case, from your standpoint?

Secretary LANE. Well, this bill, as I understand it, that you refer to, is a bill that touches the Fort Peck Indian Reservation, and, of course, there is no irrigable land on the Fort Peck Indian Reservation, so that those provisions—

Mr. RHODES (interposing). I beg your pardon; this is the Crow Reservation.

Secretary LANE. Yes; but the Senate bill that you referred to, on page 11, is relative to the Fort Peck Reservation.

Mr. RHODES. No; we were considering four bills; but the Campbell contract and Senate bill 2890 affect land on the Crow Reservation. This bill appears on page 43 of the hearing of the subcommittee to which I referred, and I was in error when I said page 11.

Secretary LANE. Now I will tell you all about this so-called lease: It is not a lease at all; as you say, it is a so-called lease. It is simply an agreement had between Mr. Campbell and myself as Secretary of the Interior, by which he is authorized to go on the Crow Reservation and make leases with these people, and make leases as to their own individual lands and make leases with the tribe.

Mr. Campbell came to me somewhere along in the early part of 1918, and told me of his experience as a farmer on a large scale; he had been fruit farming up in the Red River Valley, in southern California. I had not known Mr. Campbell at that time. And he thought that the man for whom he was developing lands in southern California, or in Arizona, would put up the money for the development of these Crow lands.

I had been out on the Crow Reservation; and I think it was a perfectly disgraceful condition that existed there. That reservation consists of about 2,300,000 acres; 75,000 acres of it is supposed to be under water—irrigated land. When I was there they told me that about 6,000 or 8,000 acres of that irrigated land was actually cultivated; the great body of the reservation was not cultivated at all. We had an immense amount of trouble in making leases for the grazing of the reservation. I think we have practically doubled the amount of income that the Indians get from the grazing land. We have put on a grazing herd of our own.

But aside from that, the amount of money that we have received has been very greatly increased from the grazing privileges. It takes between 20 and 30 acres to support a cow. We were getting from 5 to 7 and 8 cents an acre for that land. That was all the income that the Indians got. There was a great body of land that was perfectly good for the raising of wheat, and the Indians would not raise wheat.

Mr. Campbell came along with a proposition that, if he could get those leases out there he thought he could raise the money to put in the necessary plant in a wholesale way, in a time of war, to raise

wheat. It was with him, I am satisfied, as much of a patriotic venture as it was a commercial venture. At that time you remember that we thought—or at least, I thought—that the war would probably last a couple of years from that time; and we were urging everybody to produce just as much wheat as possible, for our own needs and the needs of the Allies. We were making a campaign in the Reclamation Service. We were doing everything we possibly could to stimulate agricultural development upon all of the public lands.

Mr. Campbell proposed this thing to me, and it appeared to me to be an extremely good proposition; one that would be beneficial to the Indians, bringing them in 10 or 20 times, or perhaps more, as much per acre as they were getting; and at the same time increase the amount of wheat that was produced in the United States, and be of some benefit to the Indian, possibly, in showing him the valuable use to which his land could be put.

So, after considerable talk with Mr. Campbell, I made the agreement that you have pointed out. I think that is a good agreement.

Mr. RHODES. One more question and I am through. In the light of the existence of the Campbell agreement, and leases entered into in pursuance of its provisions, do you think that the lands on the Crow Reservation can be disposed of in the most advantageous manner during the pendency of these leases?

Secretary LANE. I understand that the agreement reserves the right, if the lands are allotted, for the lands to go to the allottee.

Mr. RHODES. Mr. Kelly, you may proceed.

Mr. KELLY. I want to state what the chairman has already stated, that, of course, it is no reflection whatever on Mr. Meritt, whom we consider one of the most able and competent men in the Government service, to bring you here, Mr. Secretary; but I wanted to question you with regard to the lease, which seems to me very unusual in the provision that says that such leases, in the case of lands covered by trust patents, shall conform to the rules and regulations of the Department of the Interior for such leasing, except where such rules and regulations conflict with the terms of this agreement, in which case the terms of this agreement shall have the effect of regulation. That is to say, it throws over the rules and regulations of the department in favor of the lease.

Secretary LANE. That is customary, Mr. Kelly, to make a lease so that the specific terms of the agreement will override general regulations.

Mr. KELLY. Well, this contract, of course, takes the place of any rules and regulations the department may have.

Secretary LANE. Not of any rules and regulations the department may have; but if there are any specific provisions in this agreement, which conflict with the general rules and regulations, then those general rules to that extent are avoided.

Mr. KELLY. They are avoided to that extent? Now, what I wanted to get at was the policy, both of Congress and of the department, in dealing with such questions as this. For instance, I find that the Crow proposition, especially, goes back to a treaty that we made with the Indians in 1868, when it was specifically declared that those Indians were empowered to select land and provides for the allotments they should have, and that it should be entered in the Crow land book

that the heads of families should have 320 acres, and individuals of 18 years of age and over should have 160 acres, and that it should be absolutely inalienable; and that it should be theirs as long as they cultivated and used it. Now, that was with the Crow Indians.

And in 1882 we followed that up and provided by law that these lands should be absolutely inalienable, and not subject to lease or any taxation.

And that was followed up by another act, that of 1904. So that it seems to me that, time after time, Congress has gone on record that these lands are not subject to lease or taxation, and that they are inalienable.

Now, does this contract with Mr. Campbell overthrow that contract with the Crow Indians?

Secretary LANE. No; this contract is simply carrying out the policy that was in existence in the department when I came in; and, that policy has been to lease those lands in great tracts. They have been leased for a great many years; I do not know how many years.

But the allotment of these lands to these Indians, I suppose, will come about one of these days. They ought to be allotted in such a way that the lands could be largely used for grazing, because the Indians will not cultivate the lands. You have got about 1,300 acres for each individual Indian, man, woman, and child on this reservation. That is too much land for them to have. If you average five to a family, it makes 8,000 or 9,000 acres for a family.

I do not say that they should not have the land, because Congress has given it to them. But if it is given to them, if it is allotted and divided up among them, it ought to be given to them in such shape that they can have a little herd of their own upon the lands and deal with the lands as a grazing proposition. But that is not the best use to make of the lands.

Mr. KELLY. At the same time, there should be a possession in the hands of those Indians.

Secretary LANE. Possession? There is; every head of a family on the Crow Reservation has his own allotment.

Mr. KELLY. Well, does this Campbell lease overthrow that at all?

Secretary LANE. Not at all.

Mr. KELLY. I call your attention to a hearing in the Senate Committee on Indian Affairs, at which an affidavit was presented executed by William Brass, a full-blooded Crow Indian, wherein he stated that the Campbell corporation had come on his land, torn his fences down, destroyed his hay, removed his machinery and thrown it outside, and had absolutely dispossessed him of his land, which had been in his possession for many years.

Secretary LANE. Well, if that is so, I am very much surprised, because I had not heard of it at all.

Mr. KELLY. I will put that affidavit in the record. It was brought out on September 15, 1919, before the Senate committee, and reads as follows:

My name is William Brass. I am a full-blood Crow Indian. I am 50 years old. My wife, Little Cayote, is dead. She left me three children, Angeline; Adgle (?), 25 years, married, three children; her husband is Edward Iron; Maggie Brass, 16 years, unmarried and living with me; Mary Brass, 3 years old, living with me.

My wife and I have used for many years 80 acres of the allotment of Strikes on the March. She was my wife's grandmother. When Strikes on the March

died she left heirs, a son, Stone Bull, and my wife, Little Cayote, a granddaughter; Stone Bull, my wife's uncle, lived with us as a member of my family and on his death my wife was the only heir of Strikes on the March. This 80 acres we fenced with good cedar posts and three wires. I have five bales of wire which I bought to put on the fourth wire, but have not done so. I fenced it in 1917. It is a good hay meadow. We have been using it for 15 years, and 10 years completely. My wife has been found to be the heir to this by the Department of the Interior. This year, before the grass got green, Iron Head, Phillip, who has been working at the agency, came to me with a white man, whom Iron Head said was working for Mr. Campbell, and Iron Head, as interpreter for this man, asked me to lease the 80 acres of the allotment of Strikes on the March which I had fenced and used as hay meadow. I refused to rent it to him, explaining that I needed it for pasture after I cut the hay. I cut the grass for hay for 15 years or more, ever since it was allotted. Last year I cut and put up three large stacks of hay and sold over \$700 worth of hay from this land. I sold all from this land (\$700 worth).

The next thing I knew my fence was torn down, haying machinery moved off the premises and they, some of Campbell's employees were plowing. I went to Agent Asberry about it, and he told me he had signed a lease for the land. I was not satisfied, so I took a different interpreter and spoke to Agent Asberry again. He told me to get out as he had not time to bother with me and had told me so before. I asked if I could get the land back and he said, "No; you can not." I felt very bad. My mowing machinery and stacker were on the land within the fence and a stack of hay about eight tons. It is still there. Stacker and mower moved off. The grass is wild grass, called blue joint, and brings the highest price for hay of any hay grown in this country.

It is also a known fact that after the ground is plowed and the sod thoroughly broken the blue joint does not grow again.

I have some other land, but no hay land like this, and I will have to fence it to protect it for a year to make grass for hay. It is pastured now. I want to get my land back. I sold one load of hay I hauled to town for \$34. I understand a little English.

WILLIAM (X his thumb mark) BRASS.

Interpreter and witness to signature and thumb mark, J. W. Cooper.

Medicine Top drove off of his land plowing party with horses and outfit.

Now, when that condition applies to any number of cases, it certainly seems to me that there has been a violation, not only of the treaty, but of the letter of the law.

Secretary LANE. Yes; I thoroughly agree with you. But I can not believe that that condition exists, even as to Mr. Brass; it certainly can not exist as to many cases; if it existed as to many cases I would have heard of it. I have not heard of this case at all.

But I would like you, if you are at all anxious about this matter, to see Mr. Campbell and talk to him. Mr. Campbell is a straight-spoken, big, fine young fellow, who is as square in his dealings with the Indian as any man I have found; and you can tell just by looking at him and talking with him five minutes, that he would not justify any such statement of facts as is set up in that affidavit.

Mr. KELLY. Now, who is Mr. Campbell?

Secretary LANE. Mr. Campbell, I have told you—

Mr. KELLY. I have referred to certain corporations that he is connected with. Now, it was brought out in the hearings that J. P. Morgan is financing these corporations. Is that true?

Secretary LANE. I believe he went to New York and got a group of financiers in New York, largely out of patriotic reasons, to back him in this work. He told me that it would cost \$25 an acre to get the machinery necessary for carrying on this operation. He has lost this year \$275,000 in the venture. He has got to have large capital to support him, if he is going to lose in the beginning.

Mr. KELLY. That is true, of course. Now, this contract made with Mr. Campbell empowered him to go out and enter into leases through these corporations?

Secretary LANE. Yes.

Mr. KELLY. Did he get the consent of the Crow Indian council on the reservation?

Secretary LANE. Yes.

Mr. KELLY. In a formal way?

Secretary LANE. Yes.

Mr. KELLY. I would like to call attention to a statement before the Senate committee on that matter. The statement was made there that the tribal council of the Indians had agreed to this contract, and urged that it be carried through.

Robert Yellowtail, a member of the council of the tribe, was the man given as authority for that statement. Robert Yellowtail appeared before the committee and made a statement that I think deserves some consideration. He was the man back of getting the tribal council's consent. He makes the following statement specifically: He makes the statement specifically that a Mr. Thackery, a representative of the Bureau of Indian Affairs, had come out to the tribal council and made the statement that the leases had been entered into by the Secretary of the Interior; that it was a patriotic proposition; that the Government at Washington was trying to raise food for the Army, and everything of that kind, and that it wanted the Crow Indians to do their part.

Mr. Yellowtail made this statement—and this was in regard to the actual proceedings—that at an interview with Mr. Thackery at the agency office he told Mr. Thackery that it was not necessary to hold a club over the Crows to make them patriotic; that they were willing to allow the use of their lands without any compensation whatever as long as the war lasted, but that after the war was over they did not want to have any long lease on their reservation. Mr. Thackery told Mr. Yellowtail that that was not satisfactory at all, because the Secretary of the Interior had already entered into engagements which he had to carry out. That was brought out in a specific statement.

Secretary LANE. Of course, I do not know what conversation took place between Mr. Yellowtail and Mr. Thackery; but if you will read the resolution which their business committee passed you will see that it was perfectly understood what the terms of the agreement were and just what the basis was upon which the lands were to be leased.

Mr. KELLY. But the agreement or resolution was adopted on the statement that the Secretary of the Interior had already entered into engagements, and therefore they did not dare to go back on the action taken.

Secretary LANE. There was never any story of that kind that came to me.

Mr. KELLY. I will introduce that statement in the record.

Secretary LANE. Yes; and I wish you would introduce at the same time a copy of their resolution; it is an extremely good resolution.

The CHAIRMAN. I will state that is already in the hearings.

Secretary LANE. It is a good resolution and shows the attitude of the Indians; and I was very glad that they passed it when they did. (The statement referred to by Mr. Kelly is as follows:)

ROBERT YELLOWTAIL. My name is Robert Yellowtail. I live in Wyola, Mont.

Some time before the armistice was signed we received several communications from the Commissioner of Indian Affairs asking us to come to Washington to consider the proposition of leasing our tribal lands to a man by the name of Campbell, who was anxious to farm them for war purposes; that is to say, to help increase the cereal production of the country.

Several communications were delivered to us by the superintendent, Mr. Ashbury, and at each time the Indians refused to come to Washington to consider the proposition.

A little later, however, a man by the name of William Thackery, whom afterwards we understood to be an inspector or chief supervisor of agriculture, as I think he was called, visited us. He had with him at the time of his visit—

Senator NUGENT. Wait a moment. He was chief supervisor of agriculture for what or for whom?

ROBERT YELLOWTAIL. For the Indian Bureau. At least, that is the position I think he held. I am not certain.

Shortly after his arrival the superintendent called us for a conference or meeting of the business committee of the reservation, which is a body of men composed of two men from each of the several districts. They have no legal status whatever, but are elected for the purpose of informing the superintendent as to the wishes of the Indians.

Senator NUGENT. Elected by whom?

ROBERT YELLOWTAIL. Elected by the Indians of the several districts. Mr. Thackery was present at the meeting of this body.

Senator NUGENT. How many Indians compose this body that you speak of?

ROBERT YELLOWTAIL. Two from each district, and there are seven districts of the reservation, so that there are 14 members. However, at this meeting part of the members were gone—were not present.

Senator NUGENT. Why?

ROBERT YELLOWTAIL. Four or five were absent. I do not know why they were not present, but they were unable to come to that meeting. The rest of the members of the business committee were present and heard what Mr. Thackery had to say to them. His talk to us at that time was, in substance, as follows: He told us, or rather recited to us, the peril that the country was in, also the great shortage of food prevailing at that time, and told us of the wish of the Secretary of the Interior to help and make as big a showing in the use of the Indian lands, the country over, as possible, for the production of cereal food crops; and then proceeded to tell us about an arrangement for a lease that the Secretary had entered into, with this thought in view, in which he had authorized this man Campbell to proceed to the immediate arrangement for farming operations on an extensive scale on the reservation of the Crow Indians, the Assiniboinés, the Fort Pecks, the Flatheads, and the Shoshones of Wyoming.

We then asked him for a copy of this contract to which he referred, whereupon he produced, for the information of the business committee, the contract, which recited, to begin with, that the Secretary by virtue of that statute and this statute—reciting three or four in all, I think—was authorized and given power, in such an emergency as was then prevailing, to use any of the Indian lands within his jurisdiction for the purposes that he, Mr. Campbell, had mentioned, and that in view of that power the Secretary had already entered into this agreement, which he was bound to carry out.

After a hearing of this phase of the contract, I personally went with Mr. Thackery, either at that time or a little before, into what is known at the agency office as the visitors' official visiting office, wherein I said to Mr. Thackery, "Now, see here, Mr. Thackery, this arbitrary power that the Secretary recites is unnecessary. He has never found the Crows wanting when any services that the country needed were requested of them;" and I proceeded to tell him that I personally did not like the attitude or the way or the manner in which the Secretary proceeded to approach us upon the subject; that he should have felt that we would be glad to cooperate with him.

He further told me of the patriotic intentions of this man Campbell, who was anxious to farm the lands of the Crow Indians and these other Indians that I have mentioned; and, as he stated in the business committee room and

as he told me, he was there primarily to relieve the country; that he was not intending, or that he did not want, any lease upon which to make any money; that it was absolutely no financial venture; that he and his company, when they were organized, would conform with that express purpose, which they had already declared to the Secretary of the Interior; that the said Campbell had large and extensive holdings in California and in Dakota; and that he was thoroughly acquainted with the farming business on a large scale; that he had farmed on a large scale in the past and was absolutely a thoroughly worthy man and a very patriotic man.

In answer to Mr. Thackery when he made that statement I told him as follows: "Mr. Thackery, if this man is such a patriot that he wishes to exert his entire energy and effort to farming a large area of land on this reservation and on other reservations, and if there is such a patriot in existence, we would say to him that the Crow Indians are his equals, if not his superiors." And I then proceeded to tell him that if he would lay aside this arbitrary document that the Secretary had entered into, that could be arbitrarily used against our wishes, and accept this proposition, it would be agreeable to the business committee, who were at that time speaking or attempting to speak for the tribe. While they had not at that time the direction and authority to speak for the tribe, yet they were there to speak for the tribe. So I told him as follows: "Now, Thackery, if you will lay aside that contract, I will tell you what we will do. We will give to this man Campbell and his associates, when he has formed them, every acre of ground of tribal land, not leased, not allotted to individuals, on the Crow Reservation to farm and to use as he sees fit for war purposes or for the production of cereal crops until the war is over or until the normal production of wheat has been restored the wold over."

I said that I felt that after that time it would be purely a financial venture, and could not be regarded properly as a patriotic venture, and that he should be willing—meaning Mr. Campbell, of course—to charge whatever expense, if any was left, to patriotism, and to let it go at that. We, on the other hand, would receive no compensation whatsoever for the use of our land and we, too, would charge it to patriotism.

"Now, then, is not that a fair bargain?" I asked him. His reply was something like this: "Well, that won't do. This man, while, of course, he is in it primarily for the purpose I have just indicated, would naturally want to receive back the entire amount that he had expended in the way of equipment and so on," and he said, "He and the Secretary, too, would be opposed to the plan that you have suggested, and I can see no way how that could be done. On the other hand, the Secretary insists that the program that he has entered into be carried out." Now, this in sum and substance was what he told the business committee at this meeting, at which the superintendent of the reservation was present.

After his talk, which was translated to the non-English-speaking members of the business committee, we debated many hours in the Crow language, and rather suggested ideas as to what we thought was for our benefit, and in the afternoon that we met we considered it as best we could, the situation as to the Secretary had presented it to us, and our rights in the matter. We protested strongly against the Secretary's action, which we considered arbitrary and uncalled for, as we had always been willing to make concessions where concessions were for the good of the country; and the older members, the non-English-speaking members of the committee, argued something like this: "Now, we understand that the Secretary of the Interior is our head chief. He has our matters absolutely in his hands. His influence with Congress is such that whatever he says is likely to be followed. The war is on and we understand that all young men of fighting age are to be conscripted. Already they have taken some of our young men, and we have offered to help the Government in various ways."

"First, we have subscribed a large amount of our trust funds for the help of the Government through the medium of the purchase of Liberty bonds, and several of the districts have pledged themselves to give, free, to the Government a carload or two of wheat; and now the Secretary has told us, in sum and substance, that he has entered into an arrangement for the lease of our lands, whether we wish it or not. He recites several laws here that enable him to do it against our wishes. It seems as though, if we refuse upon the ground that it is unnecessary to approach us in that way and attempt to withhold this matter for later discussion, in all probability he will go ahead anyhow and

lease the land, and, if he does it in this instance he might be tempted to do it arbitrarily always." Now, this, in short, was about the manner in which the old Indians, members of the committee and those who were present to hear what the business committee had to say about this, argued.

Naturally, because of the shaky condition of the country at that time, we all acquiesced in their belief; and thereupon Mr. Thackery, with the superintendent, Mr. Asbury, prepared a patriotic resolution, virtually substantiating or approving the action of the Secretary of the Interior. This was signed by the members present, and he proceeded the next day to round up—or to look up, rather—those who were absent, and to secure their signatures.

This, in brief, was the beginning of the Montana Farming Corporation's existence upon the Crow Reservation.

The tribe, however, upon learning what we had done, has condemned us to this day, asserting that we had no right to venture our judgment in such an important matter without first referring the matter back to them in general council for a more serious consideration, and they still hold that view.

Senator NUGENT. At the time the business committee gave its consent to the leasing of the lands, do you know whether or not the leases had already been executed?

ROBERT YELLOWTAIL. Oh, yes. He showed the lease. The lease was in his pocket, and he said, "Here is the lease."

Senator CURTIS. Is that the lease, or the contract, to which you refer?

ROBERT YELLOWTAIL. The contract. The contract, of course, embodied the lease in it. What the business committee signed was merely a resolution saying in effect that the Crow Indians recognized the situation of the country as serious, and that they desired to perform their duty in that manner, and so on; they approved the action of the commissioner.

Senator NUGENT. Are you referring to the lease itself, or to the agreement to lease?

ROBERT YELLOWTAIL. To the agreement between the Secretary of the Interior and Thomas D. Campbell.

Senator NUGENT. That is the document or the instrument that you saw?

ROBERT YELLOWTAIL. Yes, sir.

Senator NUGENT. You did not see the lease itself, did you?

ROBERT YELLOWTAIL. My recollection is that the document I saw was the lease itself. It defined the terms upon which the Campbell people were to proceed, and I think that copy that Mr. Meritt has in his hand here is a photographic copy of the lease that Mr. Thackery brought to us.

Mr. MERITT. Yes, sir. This is simply an agreement between Campbell and the Secretary of the Interior regarding the terms of the proposed lease, and there accompanied this agreement a form of a lease; but no leases were entered into or approved prior to the time when the business committee gave its consent to the lease.

Senator CURTIS. You are going to furnish us with copies of those leases?

Mr. MERITT. Yes, sir.

Senator CURTIS. I will be glad to have printed in the record copies of those leases.

Senator NUGENT. At the time the business committee to which you have referred agreed to the arrangement entered into between the Secretary of the Interior and Mr. Campbell, did you know the period of time over which those leases were to extend?

ROBERT YELLOWTAIL. Yes, sir.

Senator NUGENT. You knew that the agreement to lease——

ROBERT YELLOWTAIL. Was for 10 years.

Senator NUGENT (continuing). Was for 10 years?

ROBERT YELLOWTAIL. Yes, sir.

Senator NUGENT. And that for the first five years of that period the Indians were to receive 10 per cent of the crops raised on agricultural lands, and for the last five years 20 per cent of the crops so raised; you knew that, did you?

ROBERT YELLOWTAIL. No; I did not understand it that way.

Senator NUGENT. Did you read the agreement to lease that Thackery had?

ROBERT YELLOWTAIL. Yes; we read the agreement to lease. They had the papers all there. There were subsequent changes made in those leases.

Senator CURTIS. What did you understand it to mean? First, what was the rental to be paid?

ROBERT YELLOWTAIL. The rental was to be 7½ per cent.

Senator CURTIS. For the first five years?

ROBERT YELLOWTAIL. I think the sliding scale extended up to 20 per cent. This 10-per cent arrangement has been made later, I think. After the armistice was signed, and I think the war had been declared over, this 20 per cent arrangement was made on their own accord; was made by themselves without submitting the matter to us. It was strictly a 10-year lease, to begin with.

Senator NUGENT. You had better look that over and see if that is the instrument that was submitted to you.

ROBERT YELLOWTAIL (after examining agreement). I think this is the instrument, all right.

Senator CURTIS. Are there any further questions?

Senator NUGENT. What are its terms in respect to rental to be paid the Indians?

ROBERT YELLOWTAIL. I will have to read it through. I am not clear. I have only read it once or twice since that time. I have not had a chance to review it. [After further examining lease.] Now; what was the question?

Senator NUGENT. I asked you what the terms are, so far as rental was concerned. Just read it.

ROBERT YELLOWTAIL. It states here as follows—

Senator CURTIS. Does it provide for improvements, making fences and building houses?

ROBERT YELLOWTAIL. I will look that up for you, Senator Curtis.

Senator CURTIS. No matter; we can read that for ourselves.

Senator NUGENT. It will be placed in the record?

Senator CURTIS. It is in the record now. It is the first document put in to-day's hearing.

ROBERT YELLOWTAIL. It is pretty hard to find that.

Senator CURTIS. We will look that up for ourselves.

Senator NUGENT. If you know, state who controls the Montana Farming Corporation?

ROBERT YELLOWTAIL. Mr. John Pierpont Morgan, of New York State.

Senator NUGENT. Do you know how many acres of the lands in the Crow Reservation were leased under the provisions of this agreement—approximately?

ROBERT YELLOWTAIL. I think I have some data as to that.

Mr. MERRITT. It is about 25,000 acres.

Senator NUGENT. Are you a member of the Crow Tribe?

ROBERT YELLOWTAIL. Yes, sir.

Senator NUGENT. How long was it prior to the signing of the armistice that you had the conversation with Thackery which you have related?

ROBERT YELLOWTAIL. I told you yesterday, or the day before—at our last meeting—that it was about a month; but the Commissioner, in citing some office records, says it was six months. My recollection of the time before the armistice was that it was not very long. I can not believe, yet, that it was six months, because it was very shortly before that, I remember distinctly, that I came to Thackery himself and told Thackery in our conversation about this matter that in all probability the war was not going to last for no ten years, and that ten years was absolutely too long; that Germany at that time, we had been told, was about all in, and that in any event, I didn't look for the war to last through the winter; so that I remember distinctly I came back shortly afterwards and said "Now, Thackery, didn't I tell you the truth?" The commissioner tells me that it was six months. Of course his statement is a matter of record, and while of course it was insignificant, and it means nothing in that respect, yet nevertheless it tells the time.

Senator NUGENT. How many men from the Crow Reservation entered the military service, do you know, Robert?

ROBERT YELLOWTAIL. I can not tell you offhand, but I think that the superintendent has that as a matter of record in his office. You have it, have you not, Mr. Asbury?

Mr. ASBURY. I would say 15 or 16, Senator, offhand. That is about the number.

Senator CURTIS. Of course, you refer to Indians?

Senator NUGENT. Yes.

Senator CURTIS. There are a great many white people who live on the reservation not members of the tribe.

Senator NUGENT. That is all.

ROBERT YELLOWTAIL. They had to go through a course of tests, and a lot of Indians, I think the tests will show you, were not fit for military service, and that the report you have of the health officer will go hand in hand with that.

Senator CURTIS. Robert, what was the rent received at that time, or what is the rent received on ordinary dry farming land at this time?

ROBERT YELLOWTAIL. Usually one-third of the crop.

Senator CURTIS. For the first year?

ROBERT YELLOWTAIL. For the first year or second year; and on irrigated lands, one-half of the crop.

Senator CURTIS. Are you sure about that?

ROBERT YELLOWTAIL. Absolutely.

Senator CURTIS. On the raw land?

ROBERT YELLOWTAIL. On the raw land, where you are speaking, that has never been touched, of course.

Senator CURTIS. That is what I mean, that has never been touched.

ROBERT YELLOWTAIL. Usually an arrangement something like this was entered into. The prospective lessees usually put a proposition of this sort up to the Indians or to anybody else who has an interest in it. He will give them a good four-wire fence with cedar posts for the first three years, usually. Sometimes we are able to get two out of it. After that they decide upon a cash payment.

Senator CURTIS. A cash rent?

ROBERT YELLOWTAIL. A cash rent.

Senator CURTIS. After the first two or three years?

ROBERT YELLOWTAIL. Yes, sir.

Senator CURTIS. But after the land has been used for dry farming, and released, it rents for one-third?

ROBERT YELLOWTAIL. One-third, usually.

Senator CURTIS. Or how much cash, usually?

ROBERT YELLOWTAIL. Usually it is let out on one-third of the crop. A cash rent has not been in practice.

Senator CURTIS. How about the cash rent for the irrigated lands that have been broken up and watered and placed under cultivation?

ROBERT YELLOWTAIL. Of course that has risen with the price we have been receiving for wheat, and so on, and right now \$3 or \$3.50 an acre is about the going price.

Senator CURTIS. That is where the water is on and the land has been farmed before, and cultivated?

ROBERT YELLOWTAIL. Yes; in case you have any—or you can split the crop in two, and the hay that might be there is divided, the alfalfa, or any other.

Senator CURTIS. What about the first year or two after the water is put on and the land is first broken; what is paid?

ROBERT YELLOWTAIL. I know of no instance where the land has been leased—

Senator CURTIS. I say dry land, where you have the land subject to irrigation, the first year the water is turned on, the first year you break it up, what does it bring? If you do not know, no matter; we can get that from some other source.

ROBERT YELLOWTAIL. Yes; I would rather you did.

Senator NUGENT. Do you mean to say that the cash rental for irrigated land on which a crop has been raised is \$3 to \$3.50 an acre?

ROBERT YELLOWTAIL. That is the price we have been getting for it. Of course I want any of these boys who are here to correct me if I am wrong, or to sustain me, on that proposition.

Senator NUGENT. You mean where the rent is paid in cash?

ROBERT YELLOWTAIL. Yes.

Mr. KELLY. Mr. Yellowtail makes the statement there that they were willing to do everything they could for patriotic purposes, but were not willing to make long term leases, and that the leases should only last during the war, or until the unsettled conditions were ended; and then that statement was made by Mr. Thackery, that the agreement was already entered into.

Secretary LANE. Mr. Kelly, you know that after a contract is made by the Indians, there is always one Indian, and generally more than one, who discovers, from some tales carried to him, that some better contract could be made, or he is dissatisfied for some reason or other with the contract already made, and wants to change it.

Mr. KELLY. That is true; but this man was before the Senate committee for the purpose of showing that the Indians had agreed to the contract; he was not one of the "kickers," or anything of that kind, but was a man who was brought before the committee to show that the Indians had agreed to the proposition. Now, there may be others of the kind you mention, but Mr. Yellowtail's testimony should certainly be considered, on the ground that he signed the resolution of the tribal council and was in favor of it; but when called before the committee he told the actual facts.

Secretary LANE. Is Mr. Yellowtail a man who went to Carlisle Indian School?

Mr. KELLY. I think so; I think he is a graduate.

Secretary LANE. I met Mr. Yellowtail when I was out there. Mr. Yellowtail knows just what the agreement means, as well as you or I.

Mr. KELLY. Here is what Mr. Yellowtail says, after reciting what Mr. Thackery said to them:

We then asked him for a copy of this contract, to which he referred, whereupon he produced, for the information of the business committee, the contract, which recited, to begin, with, that the Secretary by virtue of that statute and this statute—reciting three or four in all, I think—was authorized and given power, in such an emergency as was then prevailing, to use any of the Indian lands within his jurisdiction for the purposes that he, Mr. Campbell, had mentioned, and that in view of that power the Secretary had already entered into this agreement, which he was bound to carry out.

That was at the very time that they were asking for the consent of the Indians to the contract called the Campbell lease.

Secretary LANE. I do not see how that can be true, in the face of these resolutions passed by the business committee, in which they authorized the superintendent of the reservation to take any and all steps that might be necessary to make and complete agricultural leases for not to exceed 150,000 acres of Crow Indian Reservation tribal lands. I think that the total amount that they have got of tribal lands is 9,000 or 10,000 acres, if not more.

The CHAIRMAN. Was the resolution of this Indian council or business committee prior to the making of the contract as between you and Mr. Campbell?

Secretary LANE. No, I think the contract was made first; that is always the custom, for them to come to the Secretary of the Interior or the Commissioner of Indian Affairs and ask for the terms upon which it will be agreeable to us for leases to be made.

The CHAIRMAN. Did you understand that there was anything in the contract which you made with Mr. Campbell making it obligatory upon the part of the allottees to lease their lands?

Secretary LANE. No, sir.

The CHAIRMAN. Did Mr. Campbell understand that there was?

Secretary LANE. Mr. Campbell did not understand it, and no Indian understands it that way, because dozens and dozens—scores—of these leases had been rejected by the agent out there; and there are men out there by the score who have been importuned to give

leases, who have refused to give them. There is no coercive power at all. Here is a reservation that has 2,500,000 acres in it; and the total amount that Campbell has got is only about 30,000 acres; and we will be very glad indeed to make contracts of this kind with other people.

Mr. KELLY. Did I understand you to say that there are absolutely no lands of allottees taken without their consent?

Secretary LANE. Yes.

Mr. ELSTON. Well, the affidavit of William Brass, which was read by Mr. Kelly, recites a state of title; it may be that he has no title to the land he was on at all.

Secretary LANE. Yes; that ought to be shown in the record.

Mr. KELLY. We have now come down to this question, as to just what legislative authority there is for the making of those leases. Inasmuch as I have recited the law of 1882 and that of 1904, which forbid these leases of allotments, what is the authority for making those leases?

Secretary LANE. I can not answer that, because that goes back to a question of law that antedates my time; but we will be glad to have the law looked up and presented to you.

(The statement of law referred to is as follows:)

LEASING INDIAN LANDS FOR FARMING PURPOSES.

ALLOTTED LAND.

Nonirrigable.—Authority for leasing nonirrigable allotted Indian land for farming purposes is found in the following provisions of law:

Act of August 15, 1894 (28 Stat. L., 305):

"Whenever it shall be made to appear to the Secretary of the Interior that by reason of age, disability, or inability any allottee of Indian lands under this or former acts of Congress can not personally and with benefit to himself occupy or improve his allotment, or any part thereof, the same may be leased upon such terms, regulations, and conditions as shall be prescribed by the Secretary for a term not exceeding five years for farming or grazing purposes or ten years for mining or business purposes."

Act of June 25, 1910 (36 Stat. L., 855):

"That any Indian allotment of any Indian held under a trust patent may be leased by the allottees for a period not to exceed five years, subject to and in conformity with such rules and regulations as the Secretary of the Interior may prescribe, and the proceeds of any such lease shall be paid to the allottee or his heirs, or expended for his or their benefit, in the discretion of the Secretary of the Interior."

Irrigable.—With respect to irrigable allotted land, the act of May 28, 1916 (39 Stat. L., 128), provides:

"That whenever it shall appear to the satisfaction of the Secretary of the Interior that the allotted lands of any Indian are arid but susceptible of irrigation, and that the allottee by reason of old age or other disability cannot personally occupy or improve his allotment, or any portion thereof, such lands or such portion thereof may be leased for a period not exceeding ten years, under such terms, rules, and regulations as may be prescribed by the Secretary of the Interior."

TRIBAL LAND.

Authority of law for leasing unallotted (tribal) lands for farming purposes is found in the act of August 15, 1894 (28 Stat. L., 305), as follows:

"The surplus lands of any tribe may be leased for farming purposes by the council of such tribe under the same rules and regulations and for the same term of years as is now allowed in the case of leases for grazing purposes."

The "term of years" for grazing leases referred to is embodied in section 3 of the act of February 28, 1891 (26 Stat. L., 795), as follows:

"Where lands are occupied by Indians who have bought and paid for the same, and which lands are not needed for farming or agricultural purposes and are not desired for individual allotments, the same may be leased by authority of the council speaking for such Indians for a period not to exceed five years for grazing or ten years for mining purposes in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior."

Secretary LANE (continuing). I think that was a good thing to do. I think it was a perfect crime to have that land lying out there unused.

Mr. KELLY. Some of that land under the Campbell contract is irrigated land?

Secretary LANE. Certainly.

Mr. KELLY. On which you have spent a great amount of Government money. Now, is it true that there are irrigated lands there, on which so much money has been spent for improvements, that are not under cultivation by the Indians?

The CHAIRMAN. Certainly.

Secretary LANE. From 50,000 to 60,000 acres that were not cultivated. We put \$1,500,000 into that project, and I went over the land, when I was out there, and it was just a desert.

Mr. KELLY. In 1917 we spent \$48,000 for maintenance alone on that Indian reservation?

Secretary LANE. Certainly. The best thing about this contract is that it requires those people to pay \$1 a year for maintenance, and to keep the canals running there; when I was out there there were trees growing in them.

Mr. KELLY. We spent \$48,000 for maintenance of irrigated lands in 1917 that were never used?

Secretary LANE. Mr. Kelly, any great amount of money that is spent for irrigation of purely Indian lands, in my judgment, never will be recovered, unless you recover it out of white men, excepting in the Southwest.

The CHAIRMAN. Well, that is an admission that I am very glad to have you make, because I expect before you leave to ask you a few questions along that line myself, which I hope will be practical questions. I want to let Mr. Kelly finish and then Mr. Gandy; and then I will ask my questions.

Mr. KELLY. I do not want to take too much time, but I wanted to get that authority, Mr. Secretary, for putting such leases on those lands.

Secretary LANE. Certainly.

The CHAIRMAN. That has already been ordered in.

Mr. KELLY. Let us go a little further: These leases, as I understand it, were made to one corporation, known as the Montana Farming Corporation. Now, the hearings brought out that the Sheridan Sugar Co. also had a lease on a great deal of land for the growing of sugar beets. Was that Sheridan Sugar Co. lease made under the Campbell agreement?

Secretary LANE. I do not know; do you, Mr. Meritt?

Mr. MERITT. That was not made under the Campbell agreement; that was another matter entirely.

Mr. KELLY. A provision of this Campbell contract provides for a payment of 10 per cent. The Sheridan Sugar Co. lease provides

for a payment for 10 years of \$36, of which \$10 shall be cash and \$26 shall be in improvements. Now, what they call improvements are nothing else than taking care of their own crops. The fences are of no value to the Indians. So that there is \$10 for 10 years under the Sheridan Sugar Co. lease, which means \$1 a year to the Indians.

Secretary LANE. I am not familiar with that; you can ask Mr. Meritt about that.

Mr. RHODES. That is one of the reasons why you were requested, Mr. Secretary—as the only method of getting this information, the committee found it necessary to request you to kindly appear and make these statements. Now, I want to say that we have pursued this inquiry just as far as we were justified in going upon two or three former occasions, both in the questioning of Mr. Meritt and in the questioning of Mr. Shipe, who seemed to be a reasonably well-informed man on these propositions; and it is because this committee was without full information on the subject that we felt justified in asking you to come here.

Secretary LANE. That is all right. I will be very glad, indeed, to come before you at any time and give what information I can, but, of course, I am not familiar with the administrative details.

Mr. KELLY. Only in this way, that you were making a point that this lease gave a great advantage to the Indians. I wanted to bring out the terms of the lease to show that it was a great loss to the Indians; in other words, this land was producing to the Indians \$10 an acre for 10 years. Here is a proposition to pay the Indians \$1 an acre a year, while at the same time he is paying the irrigation charges, amounting to \$2.50—

Secretary LANE (interposing). Well, I do not know anything about that. But let me tell you something about irrigated lands—and this applies just as much to this proposition as it does to others: We find that on all our reclamation projects it costs us from \$20 to \$70 per acre to prepare the land for irrigation. We tried to induce those people to go on those irrigated lands. We said to them, "We will sell you a water right for \$75." But that man, when he goes on those lands with his \$1,200 or \$1,500 of capital, finds that he is up against a proposition where he has got to spend thousands of dollars in preparing his land so that he can get a crop off of it. And for that reason we ought to have the reclamation laws so modified that we will prepare the land before the man goes on it.

I do not know anything about this sugar company contract, but if in this sugar company contract that was the work that they had to do, then they certainly had to have money to spend.

Moreover, in this proposition as to the returns to the Indian, it must be perfectly clear to you that lands which we were renting for the grazing of cattle, on which they were getting from 5 to 10 cents an acre, might better be put into wheat; and they stand every chance of getting \$2 or \$2.50 an acre out of the land, instead of getting 10 cents.

Now, that was one of the objects of this contract; that was the object on the side of the Indian.

Mr. KELLY. You would not advocate taking grazing lands for leasing until the irrigated lands are used to their full extent, would you?

Secretary LANE. I would bunch the whole thing together; we would want it all used.

Mr. KELLY. But the irrigated lands should be used first?

Secretary LANE. If the people would come in and rent the irrigated land, so much the better. Before this agreement was made, I consulted the one Montana man whom I knew, who had a large body of land up there, Mr. Richard Harlow, of this city, after whom the town of Harlowton, in northern Montana is named, and he told me that this was a pretty good contract; that he had had thousands and tens of thousands of acres that he had let out for two or three years free, that was unbroken land, because he said it cost approximately \$24 an acre to get the first crop into that land and get it out. He said that this Campbell contract was fair, because it was a contract for land that was not broken.

Mr. KELLY. I will not go any further into the matter, Mr. Chairman, except to say this: That I think we certainly ought to take some action here on a matter that Secretary Lane may not be responsible for, and that is the matter of policy of making leases on these lands which bring no return to the Indian; and I will undertake to establish that the Sheridan Sugar Co. lease is costing the Indian, for every acre of land that the Sheridan Sugar Co. is using, and that while that company pays the Indian \$10 for 10 years, the Indian is paying money himself to improve the land on which the sugar company is making its profits; and also that the Montana Farming Corporation, which has the same contract—

Secretary LANE. No, I beg your pardon; it has not the same contract at all.

Mr. KELLY. The Montana Farming Corporation has one-third.

Mr. RHODES. No; it brings one-third what similar lands rent for in Montana.

Mr. GANDY. I want to ask Mr. Kelly one question, and then I will make a short statement:

Have you given close attention to see whether the treaties or laws to which you referred provide that the Government should not lease or transfer these lands, or that the Indians should not lease or transfer them?

Mr. KELLY. I will read you exactly what the law of 1882 provides on this proposition:

The title to be acquired by us—

Now, remember, that this was a sacred matter; it is incorporated in a treaty and a law; and that is used in the first person, providing that each head of a family and each person over 18 years of age shall have certain lands.

The title to be acquired by us and by members of the Crow Tribe of Indians, shall not be subject to alienation, lease or incumbrance, either by voluntary conveyance of the grantee or his heirs, or by the judgment, order or decree of any court, nor subject to taxation of any character, but shall be and remain inalienable, and not subject to taxation, for the period of 25 years, and until such time thereafter as the President may see fit to remove said restriction, which shall be incorporated in each patent.

Mr. GANDY. That is just what I wanted. That has been held by the Supreme Court of the United States, time and again, to mean that the Indian himself has not the right to alienate, or to lease, or to mortgage, or to encumber the lands in any way, but that does

not in any way go to the power of the guardian, the Government itself, to deal with these lands as it may see fit.

Now, having stated that, I want to say that many men who are not familiar with the problem of attempting to bring into cultivation and raise crops in the high altitude and on the semiarid lands in the West, might think that the returns to the Indian are small. But this I do know: I have just come back from fighting the winter in the West, and I know that practically every county in my district to-day is dotted with dead and dying cattle; there are sights out there that would wring the heart of any man; and if these men got anything out of these leases they got more than most people did out there this year; and in order to really know whether the thing is just, or whether it is reasonable, a man ought to go out there on the ground and to know something of the conditions that they have to contend with out there. I have been leasing land for years, and I am now leasing—not from the Government or the Indian administration—but hundreds and perhaps thousands of acres from white people who have patents to their lands. I am leasing lands in the State of South Dakota, and the highest price we pay for any of them is 35 cents an acre.

Mr. KELLY. That is not irrigated land.

Mr. GANDY. That is dry land. But I know that what Secretary Lane says is true, that thousands of acres of irrigated land go unused, owing to the fact that it costs thousands of dollars to put them in shape to produce crops, to improve them, to get the laterals constructed to where you can get production, and that is the condition that you have to meet where you have irrigated lands.

Secretary LANE. Let me supplement what Mr. Gandy says. I gave the right—or the opportunity—to this man to go on the Blackfeet Reservation; we have irrigated land up there. I do not know. How much money was spent in irrigating the Blackfeet Reservation, Mr. Meritt?

Mr. MERITT. Over \$1,000,000.

The CHAIRMAN. We have an appropriation for irrigating the Blackfoot Reservation now.

Secretary LANE. And yet the Indians are not using that land, and Mr. Campbell will not go on it and use it.

Mr. KELLY. The answer to that is that it is folly to spend money on these irrigation projects away in advance of the needs of the Indian.

Secretary LANE. You have got to let the Indians grow up to the use of irrigation. That is all that you can do. It is a process of education.

Mr. CARTER. Mr. Secretary, was this land leased to Mr. Campbell—land that was ready for water or had it to be put into condition for water?

Secretary LANE. It had to be put into condition.

The CHAIRMAN. Some of it was ready.

Secretary LANE. I do not know what particular tract that is, but I know there was a great tract of it over which I went that was not in condition. I do not know how much was irrigated land but of the great bulk of the land, 30,000 acres altogether, of which 9,000 was tribal land, there could not be a great deal that is irrigated.

Mr. CARTER. What is the altitude of these lands, Mr. Secretary?

Secretary LANE. I do not know but it is very high.

Mr. CARTER. Five or six thousand feet?

Secretary LANE. Yes; and, of course, they only get crops off of the alternate sections, in alternate years. Let me tell you the experience I had in the Sun River Valley in Montana. I went out there because the people protested against irrigating their lands. I held a mass meeting in a street of the town. Every landowner in the neighborhood was there. They signed a petition asking me not to include them in the Sun River project. It is not an Indian project at all. I heard them and they made speeches all afternoon. There was just one opponent to the proposition and that was a woman. I said, "All right, I will do what you want." Within the last 30 days I have had a petition there from the same people except those who are dead or have been driven off asking that we shall irrigate that land because they have met with three successive crop failures.

These people in the northern latitudes do not know the value of water as they do in the South and West. They will have to irrigate in the course of time. When they get a good season and an abundant crop, they say, "all right, let us throw over irrigation and not spend the money."

The CHAIRMAN. I would like to ask you a few questions justifying the period of the Campbell lease. That matter was brought to your attention in 1918, while the war was on?

Secretary LANE. At the beginning of the year.

The CHAIRMAN. We understand that the proposition was at least partially patriotic, and you were desirous, as were the rest of us, to produce as much wheat and get as many acres of land under cultivation as possible. Do you think that Mr. Campbell or anybody else would have been interested in taking over property for a shorter period than that which is named in the contract with the idea that he had to develop and conduct it here and there without very much limit on where he got it? As I understand this lease, he can go almost anywhere and get property provided the allottees are willing to lease to him.

Secretary LANE. Yes.

The CHAIRMAN. As a matter of fact, as a business proposition, I do not think that you could have made a contract with anybody to have taken that in hand for a shorter period than you did without regard to whom it benefited or hurt.

Secretary LANE. You are perfectly right. That land was in just the situation with everybody in Billings and the whole of southern Montana, that it could be leased in just this way for years. We had instructed our agents that they should advertise and try to get people in who would lease this land to develop it, but they had not been successful.

The CHAIRMAN. What I had in mind does not quite consider seriously the question of the Campbell lease and the amount of acres he is going to cultivate under this corporation which has been formed. But we have been going on here for years appropriating large sums of money to create irrigation schemes throughout the country for the benefit of the Indian. It has been developed in these hearings that very many thousands of acres have been put under water

or are in shape to be put under water away ahead of the Indian's requirements. So far as we have been able to develop, there has been no arrangement made on the part of the Secretary under the law to reimburse the Government for any of these amounts which have been spent by the users—all those people who have been fortunate enough or enthusiastic enough to take up property. The question I desire to ask is whether in the arrangement for the Campbell lease you considered the possibility of arranging for the reimbursement to the Government of the capital amounts that it put into these irrigation projects under the title of reimbursables.

Secretary LANE. I had not considered that, Mr. Chairman.

The CHAIRMAN. Was it an oversight?

Secretary LANE. No; I thought that it was necessary that that lease should be made on these terms and not burden these leases with any part, or any lease at this time, with any part of the construction expenses. We did burden it with the maintenance expense.

The CHAIRMAN. I think that the record will show here that the Campbell lease has already taken up a large number of acres, I think about 30,000. Your figures do not agree with Mr. Meritt's figures of the number of acres under contract to Campbell; something like sixty thousand and odd acres, some dry, and some irrigated.

Secretary LANE. Altogether 33,000 on the Crow Reservation, and 28,000 on the Fort Peck Reservation.

The CHAIRMAN. I am speaking in a general way of all these plans. In this bill which we are now discussing, notwithstanding the fact that we have shown conclusively in every one of these irrigation schemes that it is almost impossible to get the Indian to cultivate land we have prepared for him, and notwithstanding the fact that we are many thousands of acres ahead of the white lessees, the white people who have leased allotments, you come in here with a request for an increase of \$625,000 on the irrigation scheme of the Flathead Indian Reservation.

Secretary LANE. Yes.

The CHAIRMAN. Now, I am as one member of the committee, stating to you frankly that I am unalterably opposed to expenditures of any further capital amounts on any of these schemes until it has been shown conclusively that it is not only of value to the Indians, but that it will make a return to the Government on the large amounts of money that have been spent. What I am getting at is whether or not, in the consideration of the Campbell leases, there was any arrangement made outside of the leases which possibly carried with it the idea that these lands he is taking up that are near or adjacent reimbursable irrigation propositions, would be forced to the extent of giving him more money, better facilities, for the property that he is going to take up. Was that not all in the way of construction, and is there any reason in that suggestion for the request for increased capital amounts in these irrigation appropriations in the bill we are now discussing?

Secretary LANE. I will take the Flathead proposition. While that money is Indian money, the lands have been sold in very large part to white men, and that money is to be returned to the Indian funds.

out of the sale of their lands. The money is to be reimbursed to the Indians and then to the Government. We have spent on the Flat-head Reservation a very large amount of money.

The CHAIRMAN. Nearly \$4,000,000.

Secretary LANE. And this money that is needed now is needed to more profitably carry out the project. I have been over the Flat-head.

The CHAIRMAN. I think we have shown there is sufficient acreage ready and which has the water and that the canals have been created. I think there are in the neighborhood of 40,000 acres ready for occupation which are not being used, and I think the committee is convinced—

Secretary LANE (interposing). Let me make a suggestion to you there, Mr. Chairman. I was very ignorant of this irrigation proposition when I became Secretary of the Interior and I went out over the irrigation proposition. In the first place, I called a conference of representatives in general of the irrigation projects here and heard their stories and there was not one of them that did not tell a hard-luck tale. I do not think you can go on one of them excepting in the far Northwest where you hear the sad stories now. It was said when I came into office that it took three crops of men to develop one irrigation project. These men have to grow into the use of water. They have got to understand it. They have got to know its value. I would say that you should look with particularity upon this as upon any other proposition and with some doubt upon propositions which are new. But here is a proposition that has been developed. We have sold land on the strength of the water coming and that proposition in good faith ought to be carried out.

The CHAIRMAN. Will you permit me to make a suggestion right there? It was in the beginning contemplated that these irrigation schemes would be the means of getting the Indian to cultivate the ground himself, was it not?

Secretary LANE. Yes.

The CHAIRMAN. The question of the secondary proposition of getting the white man to cultivate them in the interests of the Indian was a future consideration, after it had become fully developed, on the part of almost everybody, having in mind that in the main the Indian will not cultivate and will not make a good farmer. Now, the policy seems to have changed so that we are to go on and develop these irrigation schemes and lease them to white men so they will work them at a small rental per acre for the eventual benefit of the Indians. Is not that a change of policy or change of mind which has come over the people who are in control?

Secretary LANE. I do not think there has been any change at all. There have been no new projects undertaken by us.

The CHAIRMAN. Is that about what has occurred?

Secretary LANE. No; you will find exactly the same condition regarding the other Indians. Take the Montana Indian. What is the Montana Indian used to? He is just used to horses and then later to cattle. He is purely a grazing Indian; he is not an agriculturist. Take the Indians in Arizona, Oklahoma, and other States, and you will find them agriculturists. But the Indian in Montana never was and that Indian has to be developed so that he can use a small tract

of land for the support of himself and family instead of having the whole prairie to graze over with his cattle.

The CHAIRMAN. We had one witness here, Mr. Shipe, who said that the Indian who cultivated a quarter of an acre of land was considered a farmer. I do not believe that you would hold that an Indian with a quarter of an acre of land, raising a few potatoes for himself, was a farmer. What I wanted to get clear in my mind was whether or not we are to proceed on the rule that we have gotten away from the original idea of irrigating the land for the purpose of making the Indian a farmer and are now following the policy of getting the land irrigated so that white men can take up the land and work it in the interests of the Indian.

Secretary LANE. So far as I am concerned, I have never made a recommendation to you upon the latter theory.

The CHAIRMAN. The facts are that in most of these greater irrigation schemes the large amount of land now being cultivated is cultivated by white men and not by Indians.

Secretary LANE. Yes; I suppose that is true as to some of it.

The CHAIRMAN. So it occurred to me that while Mr. Campbell may have had 75 per cent patriotic motives, that somewhere, somehow, it may have crept into his mind that it would be a good thing, since many white men for many years have been drawing water from these projects without paying anything, that it might be profitable to get hold of all these irrigated lands which had been constructed for the Indian, in the interests of himself and his associates, and make it a partially profit-making scheme.

Secretary LANE. I am satisfied that that was not in Mr. Campbell's mind because he had not been an irrigation farmer himself. The Red River Valley is not an irrigation section.

The CHAIRMAN. I do not understand that Mr. Campbell is now operating this scheme.

Secretary LANE. Oh, yes; he is.

The CHAIRMAN. It is operated now by a corporation.

Secretary LANE. That is the financial end of it.

The CHAIRMAN. He is the manager?

Secretary LANE. He is there on the ground and knows every inch of it and deals with the Indians and has the whole thing in his hands.

Mr. RHODES. That is true as to one lessee, but as I understand it, there are other lessees who hold smaller leases on the reservations.

Secretary LANE. Hold small leases—what about them?

Mr. RHODES. If what you say is true, besides the corporation over which Mr. Campbell has jurisdiction or charge of, there are other lessees, I understand, operating on the reservation with which Mr. Campbell has nothing to do.

Secretary LANE. Oh, yes; but they have nothing to do with the farming corporation. Do not get the idea that you are on the trail of a group of New York bankers who see a good thing in the Crow Reservation because that is very far from the mark. These men were induced to go in. They did not go into it voluntarily. None of them have gone into such an enterprise before. They did this thing and I was very glad to see them do it because I wanted to see them stimulate the growth of wheat. They have lost money out of it so far.

The CHAIRMAN. That is exactly why I believe no man would take up a project of that kind without he had reasonable opportunity to, make good in the future the losses he would sustain in his financial expenditure. The only thing I see about this that I could criticise is that you did not, in the making of this agreement, make some arrangement whereby they should pay a pro rata per acre rental for that property to pay back to the Government this money we are spending to be reimbursed. I think the Campbell lease, so far as it is a benefit to the Indians and to the country and all that sort of thing, is a perfectly justifiable lease unless it breaks the law in some place, and I am not familiar enough with it to say whether it does or not. But it seems to me after having spent in the neighborhood of twenty to twenty-five million dollars on these projects, we ought to begin when we have an opportunity, at least, to get some of that money back.

Mr. GANDY. Mr. Chairman, in other branches of the reclamation service, years of experience demonstrated to Congress that in the first few years of an irrigation project the farmers could not pay back the money, as on the Belle Fourche project in my district, which has no connection with the Indian Service. If you went onto one of these tracts of land, after your initial payment, you would have five years to pay back the construction charges and it was found that they could not pay it.

The CHAIRMAN. I agree with all that but here are projects which have been going on for a number of years.

Mr. GANDY. But the land has not been developed.

The CHAIRMAN. And yet here is another contract with people who expect to cultivate the land for 10 years without any arrangement being made to reimburse the Government for the money which has been spent. That carries us over another 10-year period. There does not seem in my mind now to be any way that we could arrange for reimbursement during that period.

Mr. GANDY. That carries you just five years from the time you would be carried under the Government's reclamation projects not in the Indian Service.

The CHAIRMAN. I have, as you know, been very diligent here in attendance at these hearings and I have done everything I could do, with the limited knowledge I have, to search these problems to the bottom. I have made up my mind that we have gone far enough on all of them until we make some arrangement for the return of some of the money. I may be wrong about it; maybe somebody can convince me that I am wrong.

Secretary LANE. On these irrigation projects the land is good for the irrigation costs, and, of course, this construction charge is a lien against this land. If you want immediate return of your money or any percentage of it, year by year, we would be glad, indeed, to give consideration to that. Of course, the money that these Indians get goes into their pockets when it is allottees' land; when it is tribal land it goes into the tribal fund and is good to the reimbursement of the Government to the extent of \$1,500,000 or whatever it costs.

The CHAIRMAN. What I had in mind was wherever a user of water is using it to the extent that he is making a profit, there is no

reason why we should wait until 25 years from now to assess him the amount that he will eventually have to pay. I think some arrangement ought to be made so he would begin to pay on the lands he is now working at a profit so as to get something back into what you might call a revolving fund and we would not continually feel that all the money we were paying out was a real gratuity and not reimbursable at all. There has been no money reimbursed on any irrigation reimbursable project.

Mr. KELLY. You should certainly see that protection is also offered to the Indians on these projects. As I stated, the Sheridan Sugar Co. pays \$1 an acre and the charges to the Indian are \$2.50 an acre, if Mr. Meritt's figures are correct as given in the hearing; a loss to the Indian, while the profit goes to the Sheridan Sugar Co.

Secretary LANE. Do not overlook, too, that the Sheridan Sugar Co. in going on the lands is probably spending 10 or 20 times as much as the \$2.50 per acre.

Mr. KELLY. That is true, but the Indian is losing.

Secretary LANE. The Indian is getting \$50 an acre.

Mr. KELLY. The Indian is getting \$10 an acre for 10 years.

Secretary LANE. Don't you think it is advisable that the land should be put under cultivation and sugar beets raised on it?

Mr. KELLY. But I want to see the Indian given a return.

Secretary LANE. You could not have all these things and have the sugar company spend \$50 to level and prepare the land and also give the Indian \$50.

The CHAIRMAN. I am going to ask you a final question on this proposition, to get your idea. Do you think where an irrigation project is 10,000 acres ahead of the amount actually being cultivated that more money, except a sufficient amount to keep in practical working order that part which has been made ready for irrigation purposes, should be expended? I have set the figure at 10,000 acres, because I think that is too much, but I want to see whether you agree with me on that or not.

Secretary LANE. I should say, as a matter of original policy, and you know we are not dealing now with matters of original policy, because these things are done, and they were not done in my time, but as a matter of original policy you ought to develop very little ahead of the use that is made of the land. But if you have a group of men, white men or Indians, that are far on one side and whose lands can not be used unless they have water, I believe in spending the money to let these men have the water so that they can come in and produce crops. I suppose the same conditions exists as to Indians that exist as to white men, that some will use the water and use it profitably, and others will not use it.

The CHAIRMAN. Then it is safe for this committee to consider these propositions along the suggestion that you have made in answer to this question.

Secretary LANE. I think so. That is the way I would look at it if I was on the committee.

The CHAIRMAN. Your idea meets mine absolutely on the question. I think we ought to keep just ahead of the requirements.

Secretary LANE. And that should be 10,000 acres.

The CHAIRMAN. In most of these projects you have started at two or three points in order to cover just such a situation, so that I do

not think of any project now just in the position to which you referred.

Secretary LANE. For instance, here is a canal running down through here. There are farms all along this canal, distant half a mile and a mile from it. Of course, you can not serve water only to people directly on that canal; you have got to run laterals to one side and extend the canal from here to take care of these people along here. We are not having the full use of the water on any Indian reservation in the Northwest that I know of, we were not having the full use of water on any irrigation project that white men use that I know of six or seven years ago. But by the development of these laterals and service we have given them they have come to use the water so that they are now satisfied.

The CHAIRMAN. I will ask you one further question and I do not want to embarrass anybody, as I am sure it will not embarrass you. I want to see whether you agree with the commissioner on these irrigation propositions. When the commissioner was on the stand he made quite a speech, in which he said that probably 50 per cent of the irrigation schemes were defensible, many of them were of doubtful character, and some of them should be discontinued altogether.

Secretary LANE. He was speaking of Indian irrigation schemes?

Mr. RHODES. Yes, sir.

The CHAIRMAN. I thought he was speaking of all the irrigation schemes.

Secretary LANE. No. We have 2 projects out of 25 projects that are failures partially, and the others of the 25 are all successful, very successful, so that they produced last year \$83,000,000 in crops on an expenditure of \$110,000,000. But as to Indian projects I can not say. I know this to be so, however, that the Indians in the Southwest, in southern California, Arizona, New Mexico, and Oklahoma, are accustomed to the use of water, while the Indians in the far Northwest are not accustomed to it, neither are the white men. The Indian has never been more than a cowboy, and if eventually he is going to be a farmer he will have to use water.

The CHAIRMAN. From the discussion with the commissioner we rather got it into our minds that he had in mind the Fort Peck Reservation and one or two of these projects up there.

Mr. CARTER. The Flathead.

The CHAIRMAN. Have you in your mind now any project which you think is a failure, for which you would recommend no further appropriations?

Secretary LANE. I would have some doubt, Mr. Chairman, as to the importance of the Blackfeet. I am not very sympathetic with that proposition because it seems to me that it is ahead of the Indian's development. There is this thing that can be done up there, and that is to raise hay and alfalfa for the care of the tribal herd. But I do not know generally, for taking it over in Washington, certainly the Indians there know something about irrigation. I do not know about Idaho.

Mr. MERITT. On the Yakima Indian Reservation we have expended less than two million dollars for irrigation work and this last year's crops on that reservation amounted approximately to \$9,000,000, almost four times as much as the total irrigation construction cost.

The CHAIRMAN. That is a splendid showing and undoubtedly it is the "prize bull" of the whole proposition. I wish there were more of them in the same way.

Mr. Secretary, as far as I am concerned I am very much pleased that you have come up here and very grateful for the information you have given.

Mr. RHODES. I want to ask a question or two in closing on this inquiry. Mr. Secretary, you stated in response to a question by Mr. Snyder that you assumed the commissioner was alluding to Indian projects. I am certain he was, because he mentioned distinctly the Flathead proposition, the Blackfeet proposition, and the Fort Peck proposition, and members of the committee who have before them volume 7 of the original hearings on page 5 will find this language:

Mr. RHODES. What particular enterprises would you regard as of a doubtful sort?

Mr. SELLS. A large number of these appropriations have been for irrigation purposes. The large appropriations have been for that purpose. I have entertained some doubt as to the wisdom, for example, of the Fort Peck irrigation reimbursable appropriation, and of the Blackfeet.

Mr. Sells had stated that some were defensible, some were not justified, and some were very doubtful.

It is apparent to all present that the chairman has directed his inquiry from one angle of this proposition and Mr. Kelly from another. Mr. Snyder makes it clear that he is opposed to the further expenditure of money on these irrigation projects in all cases where the project has been brought up in its development above the necessities of the Indians, and with him on that proposition I heartily agree. Mr. Kelly has made it clear that he conceives the idea that under the existence of this Campbell contract and under the leases which have been made in pursuance of its terms that the Indian is not receiving a square deal. Now, if our information is correct, I not only agree with our chairman in what he said but I agree with Mr. Kelly in his position.

Secretary LANE. In what respect is he not receiving a square deal, Mr. Rhodes?

Mr. RHODES. In the first place, he has had charged against his share of the tribal fund, or against him individually, certain sums of money made reimbursable by acts of Congress in the development of the projects in the first instance. Now, the lessee comes in and enjoys largely the benefits arising under the project constructed at the expense of the Indian, and escapes paying these maintenance charges and a per acre charge which ought to be exacted of him for the privilege, which ought to go back into the Public Treasury in liquidation of the original obligation.

Secretary LANE. It is in contemplation, of course, that he will pay in to the man who owns the land or to the tribe the amount of money that the 10 per cent or the 20 per cent yields.

Mr. RHODES. But why postpone paying when the enterprise is carried on profitably and why lay upon the Public Treasury the extra burden of providing these large appropriations when there is no apparent need for them?

Secretary LANE. Let me ask this question.

Mr. RHODES. Before you lose sight of the point, I want to say that what I have stated only lays the foundation for Mr. Kelly's objection. The way the Indian is not getting a square deal under this arrangement is this: If this Senate bill passes both Houses of Congress and becomes a law, it proposes to put upon sale the lands covered by the 5 and 10 year lease, which we do not believe in.

Secretary LANE. That is not so; you are mistaken. If you will read the agreement over there you will see that it is not so. That agreement does not carry over when the lands are sold at all.

Mr. RHODES. I think you misinterpret what I am about to say. Under the provisions of this Senate bill, to which I first called attention, these lands are to be opened to settlement. The lands are sold to the best advantage under the handicap of 5 and 10 year leases, and that the lessee would have an undue advantage if these lands go upon sale, because he does hold the lease on it and could profit thereunder.

Secretary LANE. My understanding is that whenever the lands are sold the lease is canceled as to those lands.

Mr. RHODES. We put a modification in the bill in the form of an amendment which we hoped would accomplish that purpose, but according to the provisions of the bill as it passed the Senate it contained no such provision.

Secretary LANE. I do not think that is necessary. I would not require it if I had the power to do that, to lease these lands and then if Congress authorized their sale have the lease hold over as against the sale.

Mr. RHODES. Then we are not to lose sight of the inconsistency of the two paths the department is pursuing, one in defending the Campbell lease and leases made in pursuance of its terms, and the other policy of supporting the Senate bill which puts upon sale these Indian lands.

Secretary LANE. Why should not both policies be pursued?

Mr. RHODES. Because they are inconsistent with each other.

Secretary LANE. Let me ask you a question. Was it best that these lands should be leased to somebody or not? Was it best that lands that were producing nothing for the Indians whatever, or producing six or seven cents an acre as grazing propositions, should be leased so that they might bring in \$2 or \$3 an acre?

Mr. RHODES. I answer emphatically yes; but notwithstanding and conceding only that your question is abstract, because I have a letter here from a Montana banker, in which he states—and I will ask permission to insert it in the record—that bona fide residents of that State would willingly have paid as much as \$5.50 per head for the use of these grazing lands.

Mr. CARTER. You don't mean to pay \$5.50 an acre for grazing lands?

Secretary LANE. The highest price we have had at public auction is \$4.50.

Mr. RHODES. It is per head?

Secretary LANE. Per head.

Mr. RHODES. That is what it says.

Secretary LANE. You can not get it.

Mr. RHODES. I am telling you what the Montana banker says.

Secretary LANE. I know, but after the lease is made there is always somebody who is perfectly willing to come in and give twice.

Mr. RHODES. I will ask permission to insert that in the record and will read paragraph 2 in support of what I said.

It is my opinion if the local stockmen had been given an opportunity they would have been willing to pay \$5 to \$5.50 per head and while it is true that some of the stockmen here would prefer to run sheep on this reservation it is also true that if objection was made by the Indians they would have agreed to lease for cattle.

Mr. GANDY. Ask the Indian Bureau what it does about these lease rentals.

Secretary LANE. We advertised them and advertised them and have been fighting for seven years to get the highest possible prices. These people would have a chance to come in.

Mr. RHODES. I also wish to present in that same connection a copy of a letter written by Mr. J. L. Sprinkle to William H. Ketcham, a member of the Board of Indian Commissioners, upon the same subject, which I offer for the record.

(The letters referred to are as follows:)

FARMERS NATIONAL BANK.

Chinook, Mont., April 9, 1919.

Mr. CARL W. RIDDICK, M. C.,
Washington, D. C.

DEAR SIR: You will inclosed please find copy of letter addressed to Sprinkle Bros. from William H. Ketcham, a member of the Board of United States Indian Commissioners. You will also find a copy of reply to this letter by Mr. J. L. Sprinkle.

You will note from the contents that this letter regards the lease on the Fort Belknap Indian Reservation to the Matadore Cattle Co.

Sometime last year the stockmen of Blaine County tried to get a lease on this reservation but for some reason their application was not given any consideration, and as I understand it lease was given to the Matadore Co. at \$4 per head without competitive bids.

I am sure the stockmen of this vicinity would be glad and willing to pay \$5 to \$5.50 per head for this lease, and while it is true that some people would prefer to lease for sheep they would also be glad to lease cattle and I think the Indians have good grounds for their complaint over this lease.

For your information I would like to state that in the Bear Paw Mountains which join this reservation on the west there are a large number of sheep and cattlemen who have their ranches all improved and have a great many acres of alfalfa and native hay. This puts them in the best possible condition to winter both cattle and sheep, but within the last few years this country has all been taken and now the summer range is their great problem and it does seem a shame that this reservation right at their door should be leased to a foreign corporation, for I understand the Matadore Cattle Co. is an English corporation.

I think you would do the stockmen a great favor if you would take this matter up with the Indian Department and see what can be done, and I will be willing at all times to give you all the information possible.

Yours, very truly,

F. M. BURKS.

APRIL 7, 1919.

Mr. WM. H. KETCHAM,
Member of Board of Indian Commissioners,
Washington, D. C.

DEAR SIR: Replying to yours of the 3d regarding the lease of the Fort Belknap Indian Reservation, I will advise that an application was made for the lease of this reservation last year, but for some reason it was not given consideration, and I think the Indians have good grounds for their complaint that this lease was given to the Matadore Cattle Co. at \$4 per head without competitive bids.

It is my opinion if the local stockmen had been given an opportunity they would have been willing to pay \$5 to \$5.50 per head, and while it is true that some of the stockmen here would prefer to run sheep on this reservation, it is also true that if objection was made by the Indians they would have agreed to lease for cattle.

For your information I would like to state that there are a large number of stockmen in the Bear Paw Mountains just west of the reservation. These ranches as a rule are well equipped and have a large acreage of alfalfa and native hay. This puts them in the very best position to winter both cattle and sheep, but this country has all been settled, and the summer range is what is most needed.

I understand the Matadore Cattle Co. is a foreign corporation, and I know their cattle are shipped to this reservation from the south, and it seems to me that the people at home should at least have an opportunity on an equal basis with the Matadore people to lease this reservation, and I am sure if this opportunity was given that both the Government and the stockmen would benefit by it.

I leased the Rocky Boy Reservation last year, paying \$5.25 per head, and I don't consider it any better, if as good as the Fort Belknap Reservation.

I hope the Government will give the stockmen of Blaine County an opportunity to lease this reservation, for it is right at their door and, as stated before, range is badly needed.

I trust you will take this matter up with the Government at once, and I will be glad to give you any information you may desire.

Yours, very truly,

J. L. SPRINKLE.

Mr. GANDY. I just want to say that at \$5.50 per head, on the basis of 30 acres to the animal, as was used to-day in this hearing, that would make $17\frac{1}{2}$ cents per acre. On the basis of 20 acres per head, it would make $27\frac{1}{2}$ cents per acre.

Mr. RHODES. You may deal with the facts as you desire. I have simply offered for the record these letters. I will remind Mr. Gandy of this fact, that this whole record is teeming with evidence that the Crow Reservation is the very garden spot of that entire country, and that it does not cost \$15, \$20, \$25, or \$50 an acre in order to reduce that land to cultivation; but, to quote Mr. Riddick, who lives in the State of Montana and who is engaged in the renting of lands for these purposes—both agricultural and grazing purposes—he says that the first year from the farming standpoint yields the best crop. These lands do not require the expenditure of these large sums of money, according to this information.

Secretary LANE. It costs, out there, at least \$10 an acre to break new land.

Mr. CARTER. Mr. Secretary, when those ditches—the main canals—are run they, of course, do not reach all the lands. They only reach the adjacent lands. It is necessary to run sublaterals to other lands, is it not?

Secretary LANE. Yes, sir.

Mr. CARTER. And in a great many instances, do not the people who rent the lands undertake to do that—to run the sublaterals?

Secretary LANE. I do not think we have any sublaterals in Indian reservations that are run by the Indians.

Mr. CARTER. The only way, economically, to get water to the lands is by leveling, is it not?

Secretary LANE. Yes.

Mr. CARTER. The only way to do it is to level it by the spirit level, such as a carpenter levels a house, and in order to do that, I think

you have stated, it costs from \$10 to \$70 an acre. Don't you think, really, that estimate to put land into that condition is a little bit low?

Secretary LANE. No; we have done it. My estimate was all the way from \$15 to \$70.

Mr. CARTER. Don't you find cases where it costs more than \$70?

Secretary LANE. We have some in Nevada where it cost \$90 an acre.

The CHAIRMAN. I can show you a case in my own town where leveling six acres cost \$17,000 to build on it.

Mr. CARTER. That is what I was trying to bring out, that the Secretary's estimate of \$15 to \$70 for leveling land to be put into cultivation is conservative, so far as my experience has gone in investigating irrigation problems.

Mr. RHODES. Assuming that \$1 per acre charge is entirely too low for the water charge, for the same reason he should be required to pay a much larger rental.

Mr. CARTER. The man who makes the lease and puts the land into cultivation is the man who is called upon to put the land into condition to receive water in all cases, so far as I know, and when he does put it into condition to receive water, he places an improvement on it to the value of the cost of putting it into condition, which adds that much to the value of the land.

Mr. RHODES. Will you permit this question? Do you undertake to say that that charge you mentioned applies to the Crow lands, or are you talking about what it would cost to reduce other land to cultivation?

Mr. CARTER. I am not familiar with the Crow lands.

Mr. RHODES. I am familiar with the testimony in the record regarding the Crow lands.

Secretary LANE. How do you account for this, Mr. Rhodes?

Mr. RHODES. Nature has done in this case what it has not done in other cases.

Secretary LANE. I have been there on that reservation and know what nature has done out there. How do you account for the fact that there are 75,000 acres there that are subject to irrigation? There are 9,000 acres that Campbell has been able to get and last year off the 9,000 acres he did not get \$4 gross per acre.

Mr. RHODES. Perhaps he is a poor farmer or had a bad season.

Secretary LANE. No. He stood the risk of going on the irrigated land and having a dam break and did not get anything out of it, any more than the money for his seed.

Mr. KELLY. Let me call your attention to a clause in the sugar lease, which says:

Lessee to pay irrigation expenses, and the Indian to contribute nothing to pay same during the entire term of the lease but not to a greater amount than \$1 per acre per year.

That is a cost of \$2.50 to the Indian. He has lost absolutely on that proposition \$1.50 for payment of maintenance of the irrigated project. I will offer the Sheridan Sugar Co. lease for the record.

(The matter referred to is as follows:)

Our agreement for the leasing of the Crow lands is as follows:

"Terms of lease to be 10 years and to begin March 1, 1918; lessee to have the privilege of entering upon premises, to do whatever is necessary in order to

prepare for farming of land during the 1917 season; lands to be leased on the following basis:

"Raw land per acre.

Cash.....	\$10
Improvements.....	5
Water maintenance.....	10
Breaking.....	6
Laterals and leveling.....	5
Total for the 10-year period.....	36

"IMPROVED LAND.

"Cash, \$45, to be distributed on an equal or graduated scale for the 10-year period, with the privilege of making improvements not to exceed 50 per cent of this amount, which will be credited against the lease in lieu of cash. Water maintenance, \$10 for the 10-year period, making a total of \$55 per acre for the 10-year period. Classification of improved lands to be only such lands as are in perfect tilth and adapted to intensive farming during the first year of the lease.

"Lessee to pay irrigation assessment beginning with the 1918 season, continuing to pay same during the entire term of the lease, but not to a greater amount than \$1 per acre per year.

"It is understood that invoices covering improvements will be submitted to the superintendent for his approval.

"It is also understood that whenever it is found necessary to make improvements on the land in excess of the allowance, that the same shall remain the property of the lessee at the end of the lease period with the privilege of negotiating for the sale of said improvements with the owners of the lands or to remove the same at the end of the lease period.

"It is also understood that some leases will be negotiated for the full 10-year period which the superintendent will be privileged to terminate at the end of five years, in order to satisfy the requirements in restoring to young Indians that may have attained their majority during the first five-year period for such as may elect to farm their own land.

"It is agreed that if alkali should develop upon any portion of the lands under lease so that profitable crops can no longer be grown, that such lands shall be eliminated and proper credit be given upon the lease.

"The acreage to be withdrawn to be determined by the superintendent of the reservation and by the lessees, a third party to decide should there be a disagreement between the superintendent and the lessees.

"Chattel mortgage clause of the old form of lease to be eliminated and regular approved surety bond to be accepted from the lessee to cover fulfillment of the contract.

"It is also understood and agreed that lessee will be permitted to sublease any or all of the lands leased."

Mr. RHODES. That maintenance charge is charged against his interest in the tribal fund or against individual estate.

Secretary LANE. I am not responsible for the statement of \$2.50 as the maintenance charge per acre there, and I doubt very much if that is true.

Mr. RHODES. Please understand, Mr. Secretary, that our desire for information has led us into this inquiry. I do not want to be misunderstood in anything I have said.

I conceive my duty to be first to protect the Public Treasury against unnecessary expenditures in regard to irrigation and all other projects, and in the second place to protect the Indian in case there are those who are seeking improper privileges which I fear are sought and obtained under these leases made in pursuance to the Campbell contract. Beyond that I have no interest.

Secretary LANE. Of course, I have exactly the same standpoint and have conducted my office upon the same philosophy and if I have done anything to disabuse your mind of the fact that these contracts are bad, I am very glad of it. I want to speak regarding this \$2.50 maintenance charge. If you had 75,000 acres cultivated under water you might have 75 cents an acre as the maintenance charge. If you have only got 20,000 acres you might have \$2 an acre maintenance charge. It is, therefore, for the interests of all the Indians that are irrigating their own lands to have just as much of these lands put under water as is possible, and you certainly cannot charge upon a few men who use this canal and this irrigation system the total maintenance charge for a system three-fourths or which, or one-half, is not used at all. On a railroad train we would not lay a charge for one passenger for the entire cost of operating the train.

Mr. KELLY. You will find, Mr. Secretary, this fact, that in 1917 the bureau spent \$48,000 out of tribal funds for this irrigation project for maintenance alone. There are about 17,000 acres of irrigated lands there on the Crow Reservation.

Mr. MERITT. On the Crow Reservation we have 73,686 acres under the project. There are 53,000 acres under constructed works and the area actually irrigated at this time is 16,646 acres; area cultivated by Indians 9,645; and irrigable lands cultivated by lessees 5,312 acres.

Mr. KELLY. Dividing that \$48,000 by the 17,000 acres would make almost \$3 on each acre.

Secretary LANE. You would not impose upon the man who had that amount of land, 9,000 acres, the whole of the maintenance charge, when none of the rest of that is used.

Mr. KELLY. I certainly would not require the individual Indian to bear the expense of all this and have it taken out of his money when he gets nothing for it.

Secretary LANE. He is getting a great deal where he got nothing before. If the land lies unused he gets nothing.

Mr. KELLY. It is better than taking money out of his funds and causing him to pay money out.

Secretary LANE. The money is taken out of his funds just the same, because really the land bears the maintenance charge.

Mr. KELLY. I have shown where these Indians were getting \$10 an acre for hay without any extra expense, and that paying \$2 to \$2.50 an acre for allowing some one to go in there and make a profit on his land is costing him money.

The CHAIRMAN. Mr. Secretary, I hope you did not get any such impression as as that stated from my statement with regard to the pro rata amount per acre on the users of the water. What I had in mind was that there is always an estimate of the cost per acre for the irrigation of the land.

Secretary LANE. Yes.

The CHAIRMAN. My thought was that where the benefited user of the water was making a profit out of the water there would be no reason why arrangements should not be made, providing he should begin to pay a pro rata share of the amount to be eventually assessed against him.

Secretary LANE. Let me ask you this, Mr. Snyder: Supposing that the Indian whose lands are used gets \$5 or \$10 as his share of the rental for the use of the land. Could it be provided that out of that Indian money a proportion could be used and out of the lessee's money a proportion?

The CHAIRMAN. I do not know.

Secretary LANE. Do you think that the whole burden of making pro rata payment ought to fall upon the le-see? I am asking your opinion on that to get your idea of it.

The CHAIRMAN. I think the party who is using the land, without regard to whether he be the Indian to whom the land is allotted or someone who has leased the land, if that land is making a profit to the man who is using it, ought to pay a pro rata charge per acre back into this fund to liquidate the reimbursable item to that extent.

Secretary LANE. I will tell you what I think would be a good policy. If you could take every acre of undeveloped land on all our reclamation projects, Indian lands and general reclamation projects, and lease them to somebody free of charge, and charge them \$1 maintenance charge per acre, with no rental whatever for the lands and no return whatever for the Government if they would put them into shape and turn them over to us at the end of four years in shape, that we would be well off and that it would be a splendid contract to make.

The CHAIRMAN. I agree with you, if they would turn them over to us at the end of four years so that some one could take up the lands and then be made to pay.

Secretary LANE. That says that during this four years there is nothing even in the way of rent.

The CHAIRMAN. Many of these have been running along and no one has been paying.

Secretary LANE. Not any of them, so far as I know.

The CHAIRMAN. It has been stated here in the testimony by plenty of witnesses that there is an acreage under irrigation paying large profits and which has become of great value and no money is being returned to the Government.

Secretary LANE. It may be that there is a good point there, and I will see that it is looked into.

Mr. MERITT. Right on that point. I will say, Mr. Secretary, that there is legislation on the statute books in regard to this irrigation item requiring the project to be completed before we assess the total construction charge. That is the law and we have no other method of procedure.

The CHAIRMAN. I appreciate that is what we are going to run up against.

Mr. MERITT. In order to obviate that proposition, we have included in our estimates this item, which will enable us where lands have been irrigated to make assessment of the preliminary construction charge, and we could begin immediately to get a return on these irrigated lands.

The CHAIRMAN. That suggestion of legislation has been brought out by the hearings we have carried on here and having it understood that something of that nature would have to be done, or the

committee would feel disposed not to make any further capital appropriations on these projects.

Mr. MERITT. I think we might also clear up the mind of Mr. Rhodes on the leasing question on the Crow Reservation. It is our practice to advertise these leases and we accept bids from people who want to lease that land, and it has been our uniform practice to advertise those bids and to award the contract to the person paying the highest rental. We have by that method increased the rentals on the Crow Reservation during the last five or six years from 50 to 100 per cent. We are now getting on the Crow Reservation what are recognized as the record prices for grazing, namely, \$4.11 per head for cattle, and 66 $\frac{2}{3}$ cents per head for sheep.

Mr. CARTER. How many acres does it take there, per head of cattle?

Mr. MERITT. It takes between 20 and 25 acres per head on the Crow Reservation. I might say also that we have at this time unleased on the Crow Reservation 35,000 acres of irrigable lands, and we will be very glad, indeed, to make arrangements with these Montana people who want to lease those lands, and will be glad to lease them on the same basis that we have leased the lands to Campbell.

We have also on the Blackfeet Reservation 40,000 acres of irrigable land that we have been endeavoring for years to get under lease, and we cannot get people to go there on that land. We will be glad to lease that land to Montana people, or any other people, on the same basis we are now leasing to the Campbell people. We have on the Fort Peck Reservation a large acreage of irrigable land not now under cultivation, and will be glad to lease it to Montana people, or anybody else, on the same basis that we are leasing to the Campbell people. There has been absolutely no favoritism shown to the Campbell people. While it is true that this arrangement was made with Campbell during the war, this agreement was signed April 6, 1918, the Crow tribal council agreed to this agreement on June 10, 1918, and the armistice was not signed until November 11, 1918. We all recognize that the war was closed probably a year earlier than we had anticipated. But, aside from the patriotic duty of getting this land under cultivation to produce food, it was a good business proposition for the Crow Indians to get this land under cultivation, and I think we can defend that lease to any body of men and make a satisfactory showing in regard to that lease. As to the sugar lease, I have never been questioned before this committee in regard to that lease. I was questioned about the pending Crow bill and the Campbell lease only came up incidentally. I have never been questioned about the sugar lease referred to, but I think we can show by the record that the sugar lease is also a good lease for the Crow Indians. It is worth \$50 an acre to the Crow Indians to develop that land from the raw state and get it into cultivation and turn it over to the Indians at the close of the leasing period, one-fourth in alfalfa. That is a proposition that should not be overlooked in considering this leasing matter. When those leases are terminated the land is leveled, placed under cultivation, laterals constructed, the leased area is fenced, and one-fourth of that land is turned over to the Indian in alfalfa. The Indian, therefore, not only gets a return of 10 per

cent of the crops the first five years, and 20 per cent of the crops the next five years, but he gets turned over to him a valuable cultivated irrigable allotment, whereas he turned over to the lessee a raw piece of land that had been lying idle ever since the beginning of time.

The CHAIRMAN. I want to say, bearing out Mr. Meritt's statement, that there was only an incidental investigation of the Campbell lease under the hearings. That was due to the fact that we knew it was going to be investigated under the Crow bill and did not take it up at that time.

Mr. CARTER. Mr. Kelly has some information, an affidavit about these lands renting for \$10 an acre for hay purposes.

Mr. KELLY. The hay produced was worth \$10 an acre.

Mr. CARTER. I have been in this business before and have just recently had some experience with it. Ten dollars worth of hay, to begin with, would mean about a \$2 rental, because it would cost, perhaps, \$7 a ton to put the hay up, or \$7.50, and the man who put it up would want a profit on putting it up. Mr. Meritt says it takes about 20 or 25 acres of these lands for one head of stock in Montana; in our lands it takes about 4 acres to a beef steer or one cow. Therefore, our lands would be about six times as valuable in grass as the lands on this reservation. The most we ever get off any of our lands is a ton of hay per acre, and that would make the value of our lands about \$2 an acre in actual rental, so I can not agree with this evidence that \$10 worth of hay can be produced on desert lands in Montana, and I do not want that statement to go unchallenged in the record. I have been over some of the lands in Montana.

Mr. HAYDEN. I want to ask the Secretary about another matter of legislation that affects the grazing situation in my State. Mr. Secretary, you will remember that the Indian appropriation act of June 30, 1905, contains the following:

That any private land over which an Indian reservation has been extended by Executive order may be exchanged, at the discretion of the Secretary of the Interior and at the expense of the owner thereof and under such rules and regulations as may be prescribed by the Secretary of the Interior, for vacant nonmineral, nontimbered, surveyed public lands of equal area and value and situate in the same State or Territory.

You will also remember that there has been considerable controversy over this matter in the State of Arizona. I want to find out the policy in your department with respect to how long you should have authority to make such exchanges. Have you about completed the exchange of such lands and, from your knowledge of the situation, do you think it would be well to repeal the authority to make exchanges?

Secretary LANE. I doubt it very much. It seems to me that is not complete.

Mr. HAYDEN. Will the time ever come when it will be unnecessary to make further exchanges?

Secretary LANE. I think you might very well place a limit, say, five years, and have it done within that time. That would push the private parties down there to make these exchanges.

Mr. HAYDEN. The complaint is that lands are surrendered within Indian reservations which are of small value and exchanged, acre for acre, for other lands outside of reservations which, apparently,

are of equally small value but are strategically located so as to control stock water in springs, tanks, and streams, so that really the exchange confers a very valuable privilege. Inasmuch as those lands were granted to the railroad company in alternate sections, the mere consolidation is of material advantage. I desire to ascertain whether you think that authority of law to make such exchanges should remain indefinitely on the statute books, or do you think a limit should be set in which you must wind up that character of business?

Secretary LANE. I do.

Mr. HAYDEN. You suggest five years?

Secretary LANE. I think five years ought to do it.

Mr. HAYDEN. I brought this question to the attention of the committee because the original legislation was enacted as a part of an Indian appropriation bill and the necessary repealing legislation might also be included in an Indian bill.

The CHAIRMAN. We are all very grateful to Secretary Lane for the information he has given us. I know it has been helpful to me.

Mr. MERITT. Mr. Chairman, may I place in the record a report of Superintendent Asbury in regard to this Brass lease matter.

The CHAIRMAN. Yes.

(The report referred to is as follows:)

CROW AGENCY, MONT., *October 23, 1919.*

SENATE INDIAN COMMITTEE

(Through Commissioner of Indian Affairs),

Washington, D. C.

SIR: Complying with the verbal request of Senator Nugent and other members of the committee, I am submitting herewith a report in reference to a certain Montana Farming Corporation lease, complaint of which has been made by one William Brass. I admit my tardiness in this report, but I have been extremely busy since returning from Washington, and I had desired to go over this land and other land belonging to this family, in person, before making this report, in order that I might be more familiar with it than I am at present, but I have been prevented on two different trips on account of storm and bad roads. However, I am fairly familiar with the locality.

Supplemental to this report, I desire to again call attention to a sort of general situation. We had here vast tracts of good land lying idle. We had \$1,500,000 invested in irrigation work, with some 10,000 or 15,000 acres in cultivation and some 40,000 or 50,000 acres more that was not being used beneficially. This has been the subject of criticism of the Indian Bureau and of Congress, and especially of the Indians, and has been the main argument used by those who would be disposed to dispossess the Indians of their valuable lands. A special campaign was being made by the Indian Bureau, even before the war, to get this land into cultivation, and when the war came on this effort was renewed and made special as applied to this reservation and others. Our great opportunity in the matter of utilizing a large acreage of land was the entrance into this field of the Montana Farming Corporation, which was prepared to cultivate large areas itself, and its activities here have attracted more prospective lessees than all the advertising that has ever been done in the past or that could have been done through any other means. In making the large number of leases we have over a large area we have had constantly in mind the agricultural needs of the Indian, and we have declined to approve a great many leases that were brought in on land that we felt should be kept by the Indian, and we have had a great many more Indians come in and criticize the superintendent's office for turning down a lease on their land than we have had criticisms for leasing land that they wanted to withhold. We have endeavored to give personal attention to every case. We, of course, have had to depend upon our district farmers for these reports.

The land in question covers the N. $\frac{1}{4}$ of the SW. $\frac{1}{4}$ of section 16, T. 5 S., R. 32 E., and I have prepared a little sketch showing the situation somewhat. At

the time this land was leased the heirs were not determined and the two leases were signed by the superintendent for the undetermined heirs, which is according to the regulations and which is the only means that such lands can be leased and is fully justified in most cases to serve the best interests of the heirs. In this case it was thought by the superintendent and by the district farmer that this family, including the prospective heirs, had ample irrigated land for their agricultural activities, and believing that and depending upon the accuracy of the report by the farmer, this land was leased in entirely good faith. It will be noted on the map that William Brass had around 90 acres under the Soap Creek Ditch on his own allotment. This is just as good land as the land in section 16, and in my opinion it is better land. His daughter's allotment lying just south of his in section 33 contains probably 60 acres that is under the Soap Creek Ditch and is susceptible of irrigation. His deceased wife's land in section 28 is all under the Soap Creek Ditch and is of the same quality. His daughter Maggie has an allotment in section 28 that is practically all susceptible of irrigation. His father's allotment, to which he is sole heir, is all under the Soap Creek Ditch. This made him at that time more than 250 acres of land, of which surely, at least, 200 could be irrigated and cultivated easily, and this is the place that I have seen Brass working. One of his daughters is married to Edward Iron and they work there together and there was ample land for them both. It appears that William Brass leased his own allotment about April, 1919, at his own request. He came to the office and wanted to lease it to Mr. Keough, and at the time inquiry was made as to the land that he would have left, and he insisted leasing this, so it is reported by the clerk handling this matter; also that he had all he could handle, which I believe was true, and this lease was approved at his request.

It is true that the land in section 16 produced very good wild hay and that he had built a very good fence around it. Most of the land in that locality produced a hay crop when there was ample overflow of water or considerable rain. Very little work was done in irrigating it and it was a sort of wild irrigation, and some years they had a good crop and some years a very indifferent crop. Last year there was considerable rain and he had somewhere around 50 tons of hay. It appears that hay was not sold to us, but kept for his own use and for selling in small lots to the irrigation employees and others. I suppose that he had somewhere from \$500 to \$700 worth of hay there last year from what they report to me.

As to the fence, the Montana Farming Corporation has been required to pay for any fences that may already be on the land that is leased to them. There have been a number of cases where pasture fields have been fenced in which have been leased, and the Indian owned some fence on the land that it was necessary to remove or that served the purpose of the lessee. In such cases the money has been paid direct to the Indian, as such fences represent largely the labor of the Indian, and I have heard no complaint as to these settlements. I have recently inquired as to the fence on this piece of land and understand that the company offered to pay Brass full value for it, but that he declined to accept the settlement.

This lease was made regularly and after what we believed to be bona fide report as to the conditions. It is possible that in this case a mistake was made. In fact it would be extremely surprising that if in the large number of leases we have made toward reclaiming some few hundred thousand acres of land that no mistake occurred. There is no question, however, but what the Brass family have left under irrigation much more land than they will use beneficially.

Very respectfully,

C. H. ASBURY, *Superintendent.*

(Thereupon, at 1 o'clock p. m., the subcommittee adjourned to meet at 10 o'clock a. m., Friday, December 12, 1919.)

COMMITTEE ON INDIAN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., December 12, 1919.

The subcommittee met at 10 o'clock a. m., Hon. Homer P. Snyder (chairman) presiding.

The CHAIRMAN. A quorum of the subcommittee being present, we will resume the hearings at page 13, "Expenses incident to purchase and transportation of Indian supplies." The discussion at that time surrounded the question of the payment of money by the agencies themselves and having the freight items charged to the proper expense items on their books. It was thought that a great saving could be made in this item in one instance alone, taking the amount of freight paid on coal, which is a just item to charge up to the cost of the coal, which full amount should be charged against expenses against the various support funds of the different reservations. Mr. Meritt, what have you got to say about that course this morning?

Mr. MERITT. Mr. Chairman, I have had that matter looked into, and I find that we purchase about 70,000 tons of coal a year for the Indian Service. It is estimated that it costs us approximately \$.2 per ton on a general average for the transportation of this coal from the place purchased to the place of use. That would amount to approximately \$140,000 per annum. That amount is now paid out of this appropriation; and if we should add to this item the following proviso, I think it would make a considerable saving in necessary appropriations for this work:

Provided further, That the cost of inspection, storage, transportation, etc., of anthracite and bituminous coal for the Indian Service shall be paid from the support funds of the schools and agencies for which the coal is purchased.

The CHAIRMAN. That, I think, would cover it, and put the expense where it belongs, and would reduce this item at least back to the amount which has been appropriated annually for some period.

Mr. MERITT. We will try to get along with \$300,000, if that proviso is included in the bill. However, according to present prices, it is possible that there may be a small deficit even with that. But we will try it out for the next year.

The CHAIRMAN. That is very gratifying, and I suggest that you will find that there are other items of freight which should receive the same treatment. Undoubtedly in those purchases, and speaking now from a business standpoint, merchandise has advanced in price so fast and manufacturers and dealers have been forced to take advantage of opportunities to the extent that the questions of cash discounts, freight allowances, and so forth have been almost eliminated throughout the country. I call your attention to that, so that when you get ready to offer your bids for next year you might just as well take that into consideration, and you want to make a hard fight for the delivery of merchandise freight paid. We drive for that all the time—f. o. b. Little Falls—for all the stuff we buy, and we believe it is more advantageous, as we can get from the party we are going to purchase from f. o. b. his point and get the best discount he has; then we can see what we can do on the other basis. I appreciate that under your bid system you do not have the same opportunities to bargain back and forth, perhaps, that we do in a

normal business, but I suggest that whenever you can it is a good plan to try to get the goods delivered at the price and freight paid.

Mr. MERITT. That would undoubtedly be a good proposition for the Indian Service if it were not for the fact that we get the benefit of what is known as the land-grant reductions, which saves us approximately \$100,000 a year.

The CHAIRMAN. But in every transaction it is a simple matter to include whatever that amounts to. You get the benefit of it. If it is agreeable to the committee, this item will be reduced to \$300,000, and we will pass to the next item.

Mr. MERITT. With that proviso added?

The CHAIRMAN. With that proviso. That brings us back to page 23, line 10.

Mr. HAYDEN. Have we finally approved the text?

The CHAIRMAN. We have the language in there. On page 23 there was a little amendment put in after the word "timber," "administration of Indian forests."

Mr. RHODES. Mr. Elston called my attention to a few words that he wanted changed in line 2, and also in line 6, on page 23. For instance, he proposed to strike out the words in line 2, following the second comma, "authorized, in his discretion" and insert in lieu thereof the word "directed." I merely call the attention of the committee to it, with the understanding that when he appears we may return to that section.

The CHAIRMAN. Do you think that will be agreeable, Mr. Meritt, "he is hereby directed"?

Mr. MERITT. We would have no objection to the word "directed" if you would leave the expression "under such rules and regulations as he may prescribe." I understood that Mr. Elston wanted all of that language stricken out.

Mr. RHODES. Strike out the words "authorized, in his discretion," in line 2, and insert the word "directed," which will leave the words "under such rules and regulations as he may prescribe."

Mr. HAYDEN. The usual form, Mr. Rhodes, is to provide that the Secretary is hereby "authorized and directed," the meaning of the term being that authority is conferred, and that authority having been conferred he is directed to carry it out.

The CHAIRMAN. I think that will be perfectly satisfactory to Mr. Elston.

Mr. RHODES. I move, then, that the amendment be inserted, "authorized and directed."

Mr. HAYDEN. Striking out "in his discretion"?

Mr. RHODES. The word "and" should come out. Another suggestion is, in line 6, after the second comma from the word "assignees" insert "or from the proceeds of sales." That is a suggestion of his. I have not heard it discussed at all.

The CHAIRMAN. The reason is he wants to pay for such work as is done here out of proceeds. He wants the service to pay for the work.

Mr. RHODES. He has made it clear on two or three occasions that we ought to put this proposition upon a paying basis if possible. After the word "assignees" insert the following words: "from the proceeds of sales."

The CHAIRMAN. If there is no objection to that, it is so ordered.

The CHAIRMAN. The clerk will read the next item. page 23, line 10.

ARIZONA AND NEW MEXICO.

SEC. 2. For support and civilization of Indians in Arizona and New Mexico, including pay of employees, \$330,000.

Mr. MERITT. We offer for the record the following justification:

Support of Indians in Arizona and New Mexico.

Fiscal year ending June 30, 1920:	
Amount appropriated	\$330,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated	330,000.00
Amount expended	330,000.00
Analysis of expenditures:	
Salaries, wages, etc	162,149.10
Traveling expenses	5,916.96
Transportation of supplies	13,371.77
Telegraph and telephone service	753.42
Stationery, printing, schoolroom supplies	302.80
Subsistence supplies	27,465.78
Dry goods, clothing, etc	3,359.88
Forage	6,481.90
Fuel, lubricants, power and light service	14,944.73
Medical supplies, etc	8,311.79
Equipment and miscellaneous material	49,352.81
Seed	1,655.35
Hospital, medical, and burial expenses	1,638.76
Irrigation water	2,284.90
Stock dip	1,086.80
Miscellaneous	728.63
Outstanding liabilities	30,194.62
Total	330,000.00

This item provides for the general support and civilization of the Indians of Arizona and New Mexico, numbering 62,927, over one-fifth of the entire Indian population of the United States, and whose affairs are looked after by 21 superintendencies in the States named. The following table shows the Indian population by superintendencies and the land area of each, which totals 25,708,488 acres:

Superintendency.	Area (acres).	Population.	Superintendency.	Area (acres).	Population.
Camp Verde	298	436	San Carlos	1,834,240	2,515
Colorado River	240,699	1,141	Sells	2,443,462	4,465
Fort Apache	1,681,920	2,466	Truxton Canyon	730,940	427
Havasupai	518	176	Zuni	288,040	1,816
Jicarilla	761,112	603	Leupp		1,441
Kaibab	138,240	105	Navajo		11,280
Mescalero	474,240	613	Pueblo Bonito	13,310,338	2,275
Moqui	2,472,320	4,000	San Juan		6,550
Pima	381,653	6,280	Western Navajo		6,360
Pueblo Day (southern)	878,777	8,724			
Salt River	71,691	1,274	Total	25,708,488	62,927

The appropriation is in the same amount allowed in previous years, and represents a per capita cost of administration at the 21 agencies of \$15.714, or a per capita cost per Indian of approximately \$5.24, which is unusually small in view of the large number of Indians and the territory involved.

The Indians benefiting under this appropriation are scattered over a large territory, either living on reservations established for their use and occupancy or on the public domain. Stock raising is the principal industry of the Indians of these States, though a good number are engaged in agriculture where

it is found that their land is adapted for the purpose. Efforts are being made to advance these Indians in the industries in which they are engaged. Their principal needs at the present time are the improvement of their stock by the employment of high-bred rams, bulls, and stallions, and the giving of scientific instruction and training in up-to-date handling and care of their herds and the products thereof; the use of modern agricultural implements and instruction in improved farming; and a continuance of fencing to prevent grazing and farming lands of the Indians being overrun by trespassing stock.

Of the amount expended for salaries of employees at the several agencies during 1919, approximately \$33,000 was paid to Indians in various positions which they were capable of filling in connection with their industries, and \$33,860 for the pay of physicians and nurses employed to look after the health of the large number of Indians in these States. The remainder of the amount expended for salaries was used in the employment of farmers, stockmen, blacksmiths, wheelwrights, sawyers, millers, and other tradesmen in performing work and instructing the Indians in their industries, and the pay of necessary clerical employees required in the administration of affairs at the several agencies.

Approximately \$30,500 of the appropriation was expended during the year for the purchase of subsistence and clothing for issue to old and needy Indians, and for payment of labor performed by able-bodied Indians in lieu of rations.

The remainder of the appropriation was used for the transportation of supplies, approximately \$13,400 having been spent for that purpose; the purchase of fuel and illuminants, medical supplies, equipment and miscellaneous materials costing \$49,352, hospital, medical and burial expenses, irrigation water, stock dip, traveling expenses, and other miscellaneous expenses arising in the conduct of these agencies.

The entire amount of the appropriation requested will be required for the support and civilization of the Indians of Arizona and New Mexico during 1921.

Mr. HAYDEN. You will remember that when the last Indian appropriation bill was under consideration I suggested that the Indian Office segregate the amount of money appropriated under this heading between the States of New Mexico and Arizona. When Arizona and New Mexico were Territories it may have been proper to combine the two, but that time has passed. I would like to inquire of Mr. Meritt as to how much of this \$330,000 is expended in New Mexico and how much is expended in Arizona?

Mr. MERITT. During the fiscal year 1918 there was expended \$164,215.12 in Arizona, and \$117,127 in New Mexico, and \$10,731.53 miscellaneous, which could not very well be segregated as between the two States. The amount is about at the rate of, ordinarily, \$200,000 for Arizona and \$130,000 for New Mexico.

Mr. HAYDEN. I would suggest then, Mr. Chairman, that on line 10 we strike out "and New Mexico," and on line 13 strike out "\$330,000" and insert \$200,000. Then when we reach New Mexico, later in the bill, insert a provision for the support and civilization of Indians in New Mexico, \$130,000.

The CHAIRMAN. What do you think of that, Mr. Meritt?

Mr. MERITT. That will be satisfactory to the Indian Bureau.

Mr. RHODES. What would be the reason for making that separation?

Mr. HAYDEN. Because as it stands now the committee does not know how much is spent in Arizona and how much is spent in New Mexico. It also allows money to be shifted from one State to the other. A further reason is that on the floor of the House, when we are discussing Arizona appropriations, they charge Arizona with \$330,000, and when we get to New Mexico, Members charge New Mexico with \$330,000.

The CHAIRMAN. I agree with the proposition absolutely, and we would have a much better opportunity to reduce the item if we knew where the money is being spent.

Mr. MERITT. The latest figures show that we expended \$140,000 in New Mexico. I think that we ought to make that \$190,000 for Arizona and \$140,000 for New Mexico.

The CHAIRMAN. You can not make it \$150,000 for New Mexico and \$125,000 for Arizona?

Mr. HAYDEN. What are your figures for a series of years?

The CHAIRMAN. You have no balance here this time?

Mr. HAYDEN. Apparently, according to figures given by Mr. Meritt, in 1916 there was expended \$188,000 in Arizona, \$120,000 in New Mexico, and \$10,000 for miscellaneous expenses.

The CHAIRMAN. In the analysis of expenditures is a miscellaneous item of only \$728, recapitulation of total expenses.

Mr. HAYDEN. That may be miscellaneous expenses in the total expenses of the two States. But the Indian Service is unable to segregate on their books to show just where \$10,000 went in 1916, \$18,000 in 1917, and \$10,000 in 1918, as between the two States. This is an additional reason why a division should be made.

Mr. MERITT. It will complicate the matter somewhat to divide this, for the reason that the State line runs right through the Navajo Indian country, and a superintendent of one of these Navajo reservations has jurisdiction not only in Arizona but in New Mexico; but if it is the wish of the committee to segregate that, then we will try to work it out.

Mr. RHODES. There ought to be a good reason for it if it is divided.

Mr. HAYDEN. It seems to me perfectly feasible since there are only two reservations affected for the superintendents concerned to ascertain how many Indians live on the Arizona side of the line and how many on the New Mexico side, and then expend for the New Mexico Indians out of the New Mexico fund and for the Arizona Indians out of the Arizona fund.

Mr. RHODES. Would that be practicable, Mr. Meritt?

Mr. MERITT. There are two reservations affected, the Navajo with headquarters at Fort Defiance, Ariz., and the San Juan Reservation with headquarters in New Mexico.

Mr. RHODES. If that can be done in one case, it can be done in two. Would you have to have an additional agent in case there should be any segregation of funds?

Mr. MERITT. No, sir.

Mr. HAYDEN. For the purpose of the next print of the bill we can divide the total into \$200,000 and \$130,000. In the meantime I will confer with Mr. Meritt and Mr. Hernandez as to taking the average division of this appropriation for a series of years and we can then definitely agree on an amount to be appropriated for each State.

The CHAIRMAN. That is all right as far as I am concerned. What I am interested in just now is to see whether there is a possibility of a reduction of this item or either of the items after the division is made.

Mr. MERITT. It will be an entire impracticability to reduce this item. We have a large number of agencies supported out of this.

appropriation, and because of the high cost of everything we have been pressed to keep these activities within the old appropriation.

The CHAIRMAN. I will say this in justification of that. This is the same item as last year, and it shows me that at some time within a very recent date there was too much money appropriated for that proposition. The very simple fact that you can now get along with the same amount you did two or three years ago in that item shows that at some time in the future there is going to be an opportunity to reduce.

Mr. MERITT. It shows, Mr. Chairman, that we are doing very effective administrative work among those Indians and bringing them up to the point where they are more nearly self-supporting.

Mr. HAYDEN. In line 10, page 23, strike out "and New Mexico"; in line 12, strike out "and New Mexico," and in line 13, strike out "\$330,000" and insert "\$200,000."

The CHAIRMAN. Mr. Hayden has agreed to take it up with Mr. Hernandez and determine the precise amount for each State.

Mr. HAYDEN. We have the figures for a division between the two States for 1916, 1917, 1918, and 1919. With Mr. Hernandez and Mr. Meritt, I shall agree upon a division by taking average sums heretofore expended in each State.

The CHAIRMAN. And insert it in the final hearing. The clerk will read the next paragraph, lines 14 to 17, inclusive.

For support and education of 150 Indian pupils at the Indian school at Fort Mojave, Ariz., and for pay of superintendent, \$35,050; for general repairs and improvements, \$5,000; in all, \$40,050.

The CHAIRMAN. On this item I notice you are asking for an increase of \$1,200.

Mr. MERITT. We offer for the record the following justification in support of the item just read.

Indian School, Fort Mojave, Ariz.

Fiscal year ending June 30, 1920:	
Amount appropriated-----	\$35,050.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	31,300.00
Amount expended-----	30,163.42
Unexpended balance-----	1,136.58
Analysis of expenditures:	
Salaries, wages, etc-----	10,986.29
Traveling expenses-----	249.85
Transportation of supplies-----	1,152.50
Telegraph and telephone service-----	100.25
Stationery, printing, schoolroom supplies-----	86.94
Subsistence supplies-----	5,842.43
Dry goods, clothing, etc-----	2,872.73
Forage-----	503.61
Fuel, lubricants, power and light service-----	6,013.87
Medical supplies, etc-----	208.65
Equipment and miscellaneous material-----	1,572.54
Miscellaneous-----	11.58
Outstanding liabilities-----	562.18
Total-----	30,163.42

REPAIRS AND IMPROVEMENTS.

Fiscal year ending June 30, 1920:	
Amount appropriated	\$3, 800. 00
Fiscal year ended June 30, 1919:	
Amount appropriated	3, 800. 00
Amount expended	3, 314. 05
Unexpended balance	485. 95
Analysis of expenditures:	
Repair of buildings	3, 314. 05

STATISTICAL STATEMENT FOR YEAR ENDING JUNE 30, 1919.

Value of school plant (real property)	86, 859. 00
Number of buildings	29
Number of employees	18
Total salaries	11, 530. 00
Average attendance of pupils	138
Average enrollment	148
Capacity	200
Cost per capita based on enrollment	180
Cost per capita based on average attendance	193
Area of school land (acres)	1, 040
Area of school land (acres cultivated)	30
Value of agricultural products	60
Value of other school products	1, 371
Indian money, proceeds of labor (school earnings) expended	995

SUPERINTENDENT'S ESTIMATE OF ABSOLUTE NEEDS FOR 1921.

Support	45, 000. 00
Repairs and improvements	4, 500. 00
Total	49, 500. 00

REQUESTED IN PROPOSED BILL FOR 1921.

Support and education of 150 Indian pupils at the Indian school and superintendent's salary	35, 050. 00
Repairs and improvements	5, 000. 00
Total	40, 050. 00

POSITIONS AND SALARIES, 1919.

Superintendent	1, 300. 00
Financial clerk	1, 000. 00
Disciplinarian	480. 00
Teacher	750. 00
Do	720. 00
Do	660. 00
Matron	600. 00
Assistant matron	500. 00
Nurse	720. 00
Cook	600. 00
Seamstress	540. 00
Laundress	540. 00
Engineer	840. 00
Farmer	720. 00
Band leader	240. 00
Carpenter	720. 00
Laborer	300. 00
Assistant	300. 00
Total	11, 530. 00

The amount requested for support and education of 150 Indian pupils and salary of the superintendent is \$35,050, this being on the basis of \$225 per capita.

In addition to the usual minor repairs to the school building, several new porches are needed to replace those which are in a dangerous condition. The plastering in several buildings is in very bad shape and floors, ceilings, and roofs require repairs. The present fire escapes to the dormitories are dangerous and better toilet facilities are required in the dormitories. The pumps which supply the domestic water are below the level of the Colorado River. It is necessary to raise them and provide new cement floors.

The CHAIRMAN. In the analysis the school capacity is 200, and the average attendance is 193. What I have in mind is that the sum of these appropriations is based upon an attendance much larger than the attendance shown in the statistical statement for the year, although this particular one does not seem to be.

Mr. MERITT. That is a very good showing as to attendance.

The CHAIRMAN. The school is fine and looks all right. I do not want to increase that amount unless it is absolutely necessary. If it is simply a question of buildings and new porches, they will have to try to get along and squeeze it out of something else. I am willing to let it go through as it was.

Mr. MERITT. We will try to get along with the old appropriation.

The CHAIRMAN. If there is no serious objection we will carry that item as it was last year, \$38,850. Without objection, it is so ordered. The next item is at line 18, page 23:

For support and education of 700 Indian pupils at the Indian school at Phoenix, Ariz., and for pay of superintendent, \$142,500; for general repairs and improvements, \$15,000; for remodeling ice plant, \$5,000; for assembly hall, \$35,000; in all, \$197,500.

Mr. MERITT. I will offer for the record the following justification:

Indian School, Phoenix, Ariz.

Fiscal year ending June 30, 1920:

Amount appropriated.....	\$142,500.00
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Fiscal year ended June 30, 1919:

Amount appropriated.....	132,000.00
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Amount expended.....	131,591.96
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Unexpended balance	408.04
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Analysis of expenditures:

Salaries, wages, etc.....	43,220.42
Traveling expenses.....	74.68
Transportation of supplies.....	3,108.43
Telegraph and telephone service.....	600.97
Stationery, printing, schoolroom supplies.....	877.14
Subsistence supplies.....	32,474.74
Dry goods, clothing, etc.....	14,998.45
Forage.....	5,341.11
Fuel, lubricants, power and light service.....	15,057.08
Medical supplies, etc.....	959.21
Equipment and miscellaneous material.....	9,511.68
Miscellaneous.....	1,788.86
Outstanding liabilities.....	3,579.20

Total	131,591.96
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REPAIRS AND IMPROVEMENTS.

Fiscal year ending June 30, 1920:

Amount appropriated	\$12,500.00
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Fiscal year ended June 30, 1919:

Amount appropriated	12,500.00
Amount expended	12,500.00

Analysis of expenditures:

Repair of buildings	12,370.91
Outstanding liabilities	129.09

Total	12,500.00
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STATISTICAL STATEMENT FOR YEAR ENDING JUNE 30, 1919.

Value of school plant (real property)	¹ \$426,597.00
Number of buildings	55
Number of employees	59
Total salaries	\$46,960.00
Average attendance of pupils	523
Average enrollment	699
Capacity	700
Cost per capita based on enrollment	\$171.00
Cost per capita based on average attendance	\$228.00
Area of school land (acres)	² 169
Area of school land (acres cultivated)	140
Value of agricultural products	\$13,786.00
Value of other school products	\$6,718.00
Indian money, proceeds of labor (school earnings), expended	\$6,549.00

SUPERINTENDENT'S ESTIMATE OF ABSOLUTE NEEDS FOR 1921.

Support	\$160,000.00
Repairs and improvements	15,000.00
New buildings	35,000.00
Remodeling ice plant	5,000.00
Steam-heating plant	35,000.00
Total	250,000.00

REQUESTED IN PROPOSED BILL FOR 1921.

Support and education of 700 Indian pupils at the Indian school and superintendent's salary	142,500.00
Repairs and improvements	15,000.00
New buildings	40,000.00
Total	197,500.00

POSITIONS AND SALARIES, 1919.

Superintendent	2,500.00
Financial clerk	1,200.00
Clerk	1,000.00
Assistant clerk	900.00
Do	780.00
Physician	1,600.00
Disciplinarian	1,200.00
Assistant disciplinarian	540.00
Do	540.00
Principal teacher	1,400.00

¹ Error in figures given in report of 1918.² Area of sanatorium farm included in 1918 figures.

Teacher.....	\$900. 00
Do.....	870. 00
Do.....	810. 00
Do.....	810. 00
Do.....	780. 00
Do.....	780. 00
Do.....	750. 00
Do.....	720. 00
Do.....	720. 00
Do.....	660. 00
Do.....	660. 00
Do.....	600. 00
Matron.....	840. 00
Assistant matron.....	660. 00
Do.....	660. 00
Do.....	600. 00
Do.....	600. 00
Nurse.....	840. 00
Teacher of domestic art, \$72 per month.....	720. 00
Seamstress.....	600. 00
Assistant seamstress.....	300. 00
Tailor.....	720. 00
Laundress.....	600. 00
Assistant laundress.....	300. 00
Baker.....	540. 00
Cook.....	660. 00
Housekeeper.....	600. 00
Domestic-science teacher.....	840. 00
Do.....	600. 00
Hospital cook.....	600. 00
Superintendent of industries.....	1,200. 00
Carpenter.....	1,060. 00
Farmer.....	1,000. 00
Printer.....	1,000. 00
Plumber.....	840. 00
Dairyman.....	840. 00
Gardener.....	840. 00
Do.....	720. 00
Painter.....	780. 00
Blacksmith.....	780. 00
Band instructor.....	780. 00
Engineer.....	1,100. 00
Assistant engineer.....	900. 00
Do.....	300. 00
Laborer.....	720. 00
Do.....	600. 00
Do.....	600. 00
Do.....	600. 00
Assistant.....	300. 00
Total.....	46,960. 00

The sum asked for support of the Phoenix School will provide for 700 pupils at a per capita of \$200.

The entire Indian school capacity in Arizona, and in fact a much larger capacity, is needed to provide educational facilities for Indian children of the State.

The school plant at Phoenix consists of 55 buildings, valued at approximately \$426,000. Many of these buildings are from 20 to 30 years old and of frame construction. For the last few years repairs have been reduced below the point of economy. The school building has had no new paint or plaster for over four years. Many of the wooden porches must be replaced; practically all buildings need paint. Plastering must be repaired in many of the buildings, and a great deal of general repair work must be done.

The refrigeration plant is of obsolete pattern, expensive of operation and requires the boiler to be fired 24 hours a day. A more modern type of plant which will be economical to maintain is contemplated.

The assembly hall at this school, with a capacity of 700, seats but 360. There is no place where the whole school can get together. Apart from the need of a place for general assembly, it is needed for socials and other activities of the sort. No modern school plant is complete without an assembly hall which will hold the entire student body.

The CHAIRMAN. I notice in the statistical statement for the year the average attendance of pupils is 523, average enrollment 699, and capacity 700. In making up the estimate for this amount, which one of those three items, referring now to pupils, was used for the calculation on a basis of \$225.

Mr. MERITT. We are asking for a per capita of only \$200 for this school on a basis of 700 pupils, the capacity of the school.

The CHAIRMAN. Is that the basis on which you are calculating for all the schools?

Mr. MERITT. Yes, sir.

The CHAIRMAN. The capacity of the school and not the average attendance is what you base the pro rata expenditures on?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Is that the law?

Mr. MERITT. There is no law on the subject.

The CHAIRMAN. My understanding has been that this \$225 and \$250 was based on the average attendance.

Mr. MERITT. There is no law directing the basis on which the appropriation shall be made, but there is a law which limits the expenditure at these schools to \$225 for schools of 200 pupils or more and \$250 for schools of less than 200 attendance.

The CHAIRMAN. What basis of calculation do you take—the enrollment, the average attendance, or the capacity of the school?

Mr. MERITT. We take the average attendance, figuring the expenditures to keep within the law.

The CHAIRMAN. But here you are calculating, you say, on the 700, which is the capacity. On the basis of 200 you figure 700 times \$200 for the amount you are putting in for the support of the pupils. That is entirely different from last statement. It seems to me that the amount ought to be based on the average attendance and not on the capacity, because we have some schools here where you have only an average of 16 in attendance and capacity 250.

Mr. RHODES. What was the average attendance there?

The CHAIRMAN. Average attendance, 523; that would be only slightly over \$250,000.

Mr. RHODES. On the basis of per capita \$200, that ought to be \$104,600 instead of \$142,000.

The CHAIRMAN. \$160,000, they have here for support.

Mr. RHODES. Unless there is an indication that the attendance will be increased I should think that the proper way of fixing the estimate would be to adopt the pro rata and multiply that by the average attendance last year.

Mr. MERITT. That would be unfair to the schools, Mr. Chairman, because last year the enrollment was low at all of these schools because of the war conditions and because of the influenza epidemic.

Mr. RHODES. I say unless there will be an increased attendance.

The CHAIRMAN. You certainly can not calculate on the capacity of these schools; that never was intended under any circumstances.

Mr. MERITT. You will bear in mind that we are not asking for \$225 per pupil on the capacity. We are only asking for \$200 per pupil of the full capacity.

The CHAIRMAN. I appreciate there should be some elasticity there but not an elasticity of \$200.

Mr. RHODES. You say the average attendance last year was 523. What has been the maximum average attendance during any past year?

Mr. MERITT. I think the maximum average attendance under ordinary conditions would be over 600.

Mr. RHODES. It was 523 last year. What was it the year before?

Mr. MERITT. I have not those figures available.

Mr. RHODES. Has it ever been more than 523?

Mr. MERITT. Yes, sir.

Mr. HAYDEN. The figures last year show an average enrollment of 714. But the last two years there has been an influenza epidemic that has seriously interfered with the attendance at all these schools as it has affected the public schools.

The CHAIRMAN. There is no question about that.

Mr. HERNANDEZ. I visited the schools at Albuquerque in New Mexico when I was down there and I found over 200 pupils attending school there now than there were last year, to the full capacity and over.

Mr. MERITT. We have a much larger actual attendance now than last year because the conditions are improved.

The CHAIRMAN. I want to clear up the ambiguity of the thing in the minds of the committee. I want to know myself whether we are appropriating \$200 or \$225 on the capacity, the average attendance or the enrollment, so that when we get into that argument, which always comes up, some one knows definitely what we are working on and whether we are working on the same system at each of the schools.

Mr. HAYDEN. The figures that are set out in the bill for the number of pupils appropriated for at the various nonreservation schools have been revised from time to time by the committee based upon the average attendance and average enrollment and the capacity of the school, always allowing a little leeway above the previous year for increases. That is how these figures are arrived at, but it does not represent in any case, in this school or any other school, an exact figure determined by the attendance of the previous year, but is only an approximation.

The CHAIRMAN. I want to get one statement from Mr. Meritt which will clear up all of this on every school that we come to. Will you state as definitely as you can just what the policy is in getting up these statistical statements here with regard to the amount you set against average attendance, enrollment, or the capacity of the school for the support of the pupils? Is the policy followed in all of the schools, all of the nonreservation boarding schools, we will put it that way?

Mr. MERITT. This is the situation in regard to nonreservation boarding schools: Congress several years ago limited the amount that might be expended at any one school to \$167 per pupil. Because of the conditions prevailing all over the world it was absolutely impossible to support schools on an appropriation of such a low per capita cost.

We came to Congress a few years ago and pointed out these conditions and for one year they removed the limitation. The present law places a limitation of \$225 based on actual attendance and \$250 per capita for schools with an average attendance of less than 200, if I remember correctly.

The CHAIRMAN. I think that is correct.

Mr. MERITT. We have made up our estimates this year on the basis of \$200 for schools of 400 or over and \$225 for schools with a capacity of under 400. We have not increased the estimates over last year for the actual support of these schools. In a few cases we have asked for increased estimates for repairs and improvements for these non-reservation schools because of the fact that we have not had any appropriations for new buildings during the war.

The CHAIRMAN. That does not quite give me what I want. You have not said yet what you multiply. What you use this year and what the law calls for seems to be an entirely different thing. The law says a basis of \$225 and \$250 on the actual attendance. Here is a big spread between the actual attendance and capacity, but you come in here with your calculation based on capacity.

Mr. MERITT. You will bear in mind, Mr. Chairman, that it is absolutely impossible for us to anticipate a year in advance what will be the actual attendance at any of these schools.

The CHAIRMAN. But you spent all the money you received just the same on those appropriations. Let us get the ambiguity out of it so we will know what we are doing and make a price big enough to give you enough money to provide for the support of the Indians on the basis of the number of Indians you are caring for and then we will not have anything to explain. In addition to that, there are many members who do not understand that that is only a portion of the amount of money spent for those schools for this educational service. That simply takes in a few items. All these other expenditures should be charged up against the per capita attendance of pupils.

Mr. MERITT. These items are charged.

The CHAIRMAN. But not in that \$225 item at all. The \$225 item simply covers certain items of support.

Mr. MERITT. I think you are in error there, Mr. Chairman. This \$225 figure would cover all of the support item and everything except salary of superintendent and repairs and new buildings.

The CHAIRMAN. That is what I am getting at. The total amount you ask for here is \$197,500; the amount you have in for support, \$160,000. I maintain that the difference between one and the other outside of the capital which you invest in the school that is carried as an asset, should also be included in the \$225. What we want to clear up in the minds of those who are appropriating is what they are actually appropriating per pupil. Overhead should be charged against the per capita cost of taking care of the pupil just the same as bread and butter, and the only item which ought to be excluded is the item of new buildings or something of that sort.

Mr. MERITT. We have uniformly in the past not considered the appropriations for general repairs and improvements as a part of the actual cost of educating the Indian children. We have included the clothing and board and the salaries of teachers and expenses of that character.

The CHAIRMAN. That is in your \$160,000 item in the estimate?

Mr. MERITT. Yes, sir. You will notice that we are not asking for an increase over last year notwithstanding the fact that there has been a very material increase in the cost of goods and supplies.

The CHAIRMAN. I appreciate that and I do not want to carry the discussion further, but we now understand that the \$225 per capita per pupil is not based upon the capacity of the school, notwithstanding the fact that the law says that it shall be based upon the actual attendance.

Mr. MERITT. We can not expend for this school to exceed \$225 per pupil on actual attendance, but in making up our estimates we can not anticipate a year in advance what will be the actual attendance; therefore we reduce the amount from \$225 to \$200 and figure on the capacity of the school.

The CHAIRMAN. That is exactly what I have been trying to get.

Mr. HAYDEN. But nevertheless the superintendent in charge of the school is bound by the \$225 limitation.

The CHAIRMAN. I understand it now, and that is satisfactory and agreeable.

Mr. RHODES. I do not think that is entirely clear for this reason: Do you say, Mr. Meritt, the average attendance last year at this school was 523?

Mr. MERITT. Yes, sir.

Mr. RHODES. I understand you to say that under existing law the maximum amount you can expend per pupil is \$225.

Mr. MERITT. Yes, sir.

Mr. RHODES. Would it not necessarily follow that the total amount of money expended for last year's support of the school would be \$225 times 523, which would make \$117,675? Did you spend more than that?

Mr. MERITT. We spent \$228 on the average attendance.

Mr. RHODES. Then if you spent \$228 for the support of this school in which the average daily attendance was 523, the expenditures exceeded the maximum amount allowed by law.

Mr. MERITT. That is true, but only \$3 per pupil.

Mr. RHODES. I say that exceeds the maximum amount fixed by law no matter whether \$3 or \$20.

Mr. MERITT. By \$3 per pupil.

Mr. RHODES. It seems to me this would be the practical way to do that. In making up the estimates you would be justified in taking the capacity of your school and multiplying that by, say, your \$225, which would give you exactly the legal amount of money to expend by law if every student in the school were to avail himself of the school privileges. Then if in the administration of the law you followed the provisions of the law and do not expend any more than the law authorizes you to expend there will be a surplus to go back to the Treasury at the end of the year.

Mr. MERITT. That would result, however, in a material increase in the appropriation, and we thought we recognized that the committee would object to that increase.

The CHAIRMAN. Yes. I think Mr. Rhodes's suggestion is a good one, but that would require a change in the law again from what it is to-day.

Mr. RHODES. No. That would simply mean a change in the practice, conforming to the law as to the expenditures, and leave the department at its own discretion in fixing these estimates.

The CHAIRMAN. As Mr. Meritt says, that would increase all these items.

Mr. RHODES. Then you should not use \$225 as the basis of the calculation. You should use \$200, multiply the maximum capacity by \$200. That would yield more.

Mr. HAYDEN. That is what has been done.

The CHAIRMAN. There are reasons why you can not do that. Take some of these schools we have picked out where there is a capacity of 250 and only 25 or 30 pupils involved. It would create an appropriation there that we would not be able to face.

Mr. RHODES. I was trying to consider a practical method of fixing an estimate which would enable you to follow the law. You can not, according to what you say, comply with the letter of the law. You spend more money than the law authorizes.

The CHAIRMAN. If they don't get further away than \$3 per capita it is not large. We understand the situation, and now we will take up the question involved in the appropriation. I have no objection to the improvement of the ice plant, but I have objection to building a new assembly hall, and my objection to that is this: That the committee will certainly go to the Phoenix School in their tour of next year, and at that time they may be able to corroborate the evidence of the fact of the necessity of that building and, perhaps, some others, and I favor eliminating that item in this appropriation until after that visit.

Mr. RHODES. I think we ought to further take into consideration this fact, that this is a bad time to make improvements.

Mr. MERITT. We recognize that.

Mr. RHODES. Unless it is a case of absolute necessity.

The CHAIRMAN. Don't you think we can let that rest, Mr. Hayden?

Mr. RHODES. Until next year.

Mr. HAYDEN. If Mr. Meritt is of the opinion that it can be delayed for another year, we might eliminate the assembly-hall item, provided the rest of the appropriation remains.

The CHAIRMAN. I am agreeable to the rest of the item. If your ice plant is in the condition the statement says you ought to have that improvement, especially in that climate.

Mr. HAYDEN. You will notice that the item for general repairs and improvements is increased from \$12,500 to \$15,000. That increase is thoroughly justified by the increased cost of labor and materials.

The CHAIRMAN. That eliminates the \$35,000 item.

Mr. RHODES. That cuts the amount to \$162,500.

The CHAIRMAN. The clerk will proceed to read the next item, page 23, line 23.

For support and education of 100 pupils at the Indian school at Truxton Canyon, Ariz., and for pay of superintendent, \$24,300; for general repairs and improvements, \$5,000; in all, \$29,300.

Mr. MERITT. We offer for the record the following justification:

Indian school, Truxton Canyon, Ariz.

Fiscal year ending June 30, 1920:	
Amount appropriated-----	\$24,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	21,500.00
Amount expended-----	20,078.73
Unexpended balance-----	1,421.27
Analysis of expenditures:	
Salaries, wages, etc-----	8,413.44
Traveling expenses-----	69.42
Telegraph and telephone service-----	5.27
Stationery, printing, schoolroom supplies-----	123.21
Subsistence supplies-----	2,089.25
Dry goods, clothing, etc-----	3,938.09
Forage-----	831.85
Fuel, lubricants, power and light service-----	1,631.86
Medical supplies, etc-----	29.82
Live stock-----	75.00
Equipment and miscellaneous material-----	1,008.49
Miscellaneous-----	123.95
Outstanding liabilities-----	1,739.08
Total-----	20,078.73

REPAIRS AND IMPROVEMENTS.

Fiscal year ending June 30, 1920:	
Amount appropriated-----	\$3,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	3,000.00
Amount expended-----	3,000.00
Analysis of expenditures:	
Repair of buildings-----	1,873.74
Outstanding liabilities-----	1,126.26
Total-----	3,000.00

STATISTICAL STATEMENT FOR YEAR ENDING JUNE 30, 1919.

Value of school plant (real property)-----	\$98,490
Number of buildings-----	44
Number of employees-----	13
Total salaries-----	\$9,630
Average attendance of pupils-----	60
Average enrollment-----	84
Capacity-----	140
Cost per capita based on enrollment-----	\$197
Cost per capita based on average attendance-----	\$276
Area of school land (acres)-----	800
Area of school land (acres cultivated)-----	11
Value of agricultural products-----	\$678
Value of other school products-----	\$364
Indian money, proceeds of labor (school earnings) expended-----	\$20

SUPERINTENDENT'S ESTIMATE OF ABSOLUTE NEEDS FOR 1921.

Support-----	\$25,000
Repairs and improvements-----	8,000
New buildings-----	
Total-----	33,000

REQUESTED IN PROPOSED BILL FOR 1921.

Support and education of 100 Indian pupils at the Indian school, and superintendent's salary.....	\$24, 000
Repairs and improvements.....	5, 000
New buildings.....	
Total	29, 300

POSITIONS AND SALARIES, 1919.

Superintendent	1, 800
Financial clerk.....	720
Disciplinarian	720
Teacher.....	720
Do.....	600
Kindergartner.....	630
Matron.....	600
Assistant matron.....	300
Seamstress.....	600
Laundress.....	600
Cook.....	600
General mechanic.....	900
Engineer	840
Total.....	9,630

The amount requested for support and education of 100 Indian pupils, including salary of the superintendent, is \$24,300. This computation is based upon \$225 per capita.

The sum of \$5,000 is requested for general repairs and improvements. This includes repairs to foundations, walls, floors, roofs, and sewers. Considerable repairs to the water system to prevent freezing of the pipe are needed, also extensive repairs to conduits in connection with the underground steam pipes and insulating same to prevent loss of heat. The increased efficiency of the steam-heating plant after these improvements are made will permit 12 stoves to be dispensed with, which, besides economy of operation, will reduce fire hazard.

The CHAIRMAN. I see no objection to that slight increase, and unless some other member of the committee does, we will pass it. The clerk will read, page 24, lines 3 to 11:

For continuing the work of constructing the irrigation system for the irrigation of the lands of the Pima Indians in the vicinity of Sacaton, on the Gila River Indian Reservation, within the limit of cost fixed by the act of March 3, 1905 (33 Stat. L., 1081), \$5,000; and for maintenance and operation of the pumping plants and canals systems, \$10,000; in all, \$15,000, reimbursable as provided in section 2 of the act of August 24, 1912 (37 Stat. L., 522).

Mr. MERITT. We offer for the record the following justification:

Irrigation system, Pima Indian lands, Arizona (reimbursable).

Fiscal year ending June 30, 1920:	
Amount appropriated.....	\$7, 500. 00
Fiscal year ended June 30, 1919:	
Amount appropriated.....	5, 000. 00
Amount expended.....	5, 000. 00
Analysis of expenditures:	
Salaries, wages, etc.....	1, 768. 61
Traveling expenses.....	12. 50
Transportation of supplies.....	118. 45
Stationery, printing, schoolroom supplies.....	3. 28
Fuel, lubricants, power, and light service.....	44. 52
Equipment and miscellaneous material.....	2, 868. 59
Miscellaneous.....	42. 00
Outstanding liabilities.....	142. 05
Total.....	5, 000. 00

Maintenance and operation, irrigation system, Pima Indian lands, Arizona (reimbursable).

Fiscal year ending June 30, 1920:

Amount appropriated ----- \$7,500.00

Fiscal year ended June 30, 1919:

Unexpended balance from prior years ----- 9,112.55

Amount appropriated ----- 10,000.00

Total ----- 19,112.55

Amount expended ----- 13,460.90

Unexpended balance ----- 5,651.65

Analysis of expenditures:

Salaries, wages, etc. ----- 5,370.30

Traveling expenses ----- 146.61

Transportation of supplies ----- 6.76

Stationery, printing, schoolroom supplies ----- 34.56

Fuel, lubricants, power, and light service ----- 1,547.97

Equipment and miscellaneous material ----- 4,367.79

Irrigation water ----- 634.67

Miscellaneous ----- 2.20

Outstanding liabilities ----- 1,350.04

Total ----- 13,460.90

Indian tribe, Pima-Maricopa.

Number of Indians, 3,007.

Area of reservation, 360,000 acres.

Irrigation project started, 1873.

Work done by force account, using principally Indian labor.

Area of irrigable land under project, 58,000 acres.

Area of irrigable land under constructed works, 18,500 acres.

Area actually irrigated, 7,683 acres.

Area of irrigated land cultivated by Indians, 7,683 acres.

Area of irrigable land cultivated by lessees, none.

Area of irrigable land cultivated by white owners, none.

Cost of construction to June 30, 1919, \$666,057.21.

Cost of operation, maintenance, and miscellaneous to June 30, 1919, \$31,198.62.

Operation and maintenance charges are not collected from water users.

Estimated additional cost to complete and estimated cost per acre when completed. (See explanation in the narrative below.)

Average value of irrigated land per acre, \$200.

Average annual precipitation, 9 inches.

Source of water supply, wells and Gila River.

Crops produced: Alfalfa, beans, corn, cotton, wheat.

Market for products: Local and general; excellent.

Distance from railroad, 8 to 15 miles.

The further construction of the irrigation systems on this reservation will be in connection with the developments incident to the construction of the Sacaton and Florence Dams, for which provision is made elsewhere. The sum of \$5,000 has been requested for extension of laterals in connection with the existing system; \$10,000 will be required for operating the 13 pumping plants and for maintaining these plants and the canal systems.

The failure to have in cultivation all of the irrigable area under constructed works is due to the variable water supply. During some seasons it is possible to irrigate practically the entire area under constructed works, whereas in other seasons the water supply is insufficient. The construction of the aforesaid diversion dams and the more efficient canals which will eventually be a part of the system will, by making it possible to divert all the water available and by preventing seepage losses, permit of irrigating not only the land now under constructed works but a very considerable additional area.

The CHAIRMAN. The total amount asked for is the same, but you have reduced your construction item by \$2,500 and increased your

operation of maintenance by \$2,500. What is the reason for increasing the appropriation for maintenance charge?

Mr. MERITT. Because of the general increase in cost of supplies and cost of labor.

Mr. RHODES. Did I understand you to say in the justification that the amount of the estimates for the extension work must be done in obedience to existing law?

Mr. MERITT. No. There is no law that compels it.

Mr. RHODES. It requires you to continue extension work?

Mr. MERITT. No, sir; except that we are under obligations to those Indians to see that they are furnished sufficient water ultimately to irrigate their irrigable lands.

Mr. RHODES. Is this extension work required now in order to meet the demands of the people living on the reservation?

Mr. MERITT. Yes, sir.

The CHAIRMAN. "Irrigation project started, 1873; work done by force account, using principally Indian labor; area of irrigable land under project, 58,000 acres; area of irrigable land under constructed works, 18,500 acres; area irrigable land actually cultivated by Indians, 7,683 acres; area actually irrigated, 7,683 acres." There are no leases and no white owners. So far we have spent \$666,000 approximately. Operation and maintenance charges are not collected from water users, and the operation expenses have been \$31,198.62.

It strikes me that unless there is some reasonable excuse why a charge should not be made upon the lands actually using water, that this is one of the items coming under the head of the policy which we are going to attempt to adopt in these irrigation reimbursable projects.

Mr. MERITT. One reason why there is such a difference between the area under the project and the amount that is actually cultivated by Indians is because of the shortage of water supply. We have not sufficient available water at this time to place all the lands under cultivation, and this appropriation will be used partly to increase the lands that will be placed under cultivation by Indians.

The CHAIRMAN. Is there any reason why we should not begin to charge the Indians for the use of water for the purpose of reimbursing to some extent the amount expended?

Mr. MERITT. No, sir; and if the legislation that we have asked in the bill is enacted, we will begin to charge these Indians their proportionate share to reimburse the Government for the irrigation work done on the reservation.

Mr. RHODES. What legislation do you propose, Mr. Meritt, in order to accomplish that purpose?

The CHAIRMAN. There is an item in here, under a large amount, for irrigation purposes, the general irrigation item.

Mr. MERITT. You will find that on page 7 of the bill, Mr. Chairman. The item reads as follows:

The Secretary of the Interior is hereby authorized, in his discretion, and—

The CHAIRMAN (interposing). We changed that. Let the clerk read the way it now is in the bill:

The Secretary of the Interior is hereby directed to require the owners of irrigable lands under any irrigation system heretofore or hereafter constructed for the benefit of Indians to which water for irrigation purposes can be deliv-

ered to be given partial reimbursement of irrigation charge where reimbursement is required by law at such times and in such amounts as he may deem best. All payments hereafter to be credited on a per acre basis in favor of the land in behalf of which such payments shall have been made and to be deducted from the total per acre so assessable against said lands.

Mr. MERITT. If we get that legislation, Mr. Chairman——

The CHAIRMAN. That we put in to cover the general Indian irrigation scheme under that general item. I have supposed that that amendment we worked out would have to be put in at the end of each one of these separate irrigation schemes in order to have its proper effect.

Mr. MERITT. No, sir. This proposed legislation found on page 7 of the bill is general legislation and would apply not only to the general items under the general irrigation appropriation but would apply to all the irrigation items in the Indian bill.

The CHAIRMAN. There are several irrigation items coming up, then, to which I propose to try to add more drastic legislation, and I was wondering whether this was one of them. Mr. Rhodes, you made the investigation of the irrigation schemes, and here is a proposition to spend \$7,500 more in a capital way, increasing the capacity of a certain system. Whether we want to put that in now or not is the question.

Mr. RHODES. I am inclined to believe, Mr. Chairman, from the reading of the language, rather a review of it, that Mr. Meritt's view is correct. I believe that the language will require the fixing of rules and regulations by the Secretary of the Interior under which these collections are to begin. Before we finally leave the matter I will review that provision again. Here is what we want to do: We want such rules and regulations prescribed by the department as will compel the person receiving the benefits to begin paying back into the Public Treasury a reasonable charge. In other words, we do not see any good reason for postponing pay day. We want it to begin right now.

Mr. MERITT. I agree with that policy, and we have drafted this proposed legislation on that basis.

The CHAIRMAN. If Mr. Rhodes is satisfied that that provision covers those things, I am willing to accept his judgment on it and go ahead.

Mr. RHODES. That is the way I see it now, but I want to make this additional observation——

Mr. DALLINGER. Are you coming back to this item?

The CHAIRMAN. No; I mean that we authorized it or O. K'd it.

Mr. RHODES. In addition to what I have said, I had this idea. I do not know whether this idea would apply in this case or not, but it strikes me that it might. I believe in all cases where appropriations for extension work can be discontinued for this year and not impair the property and not interfere with the use of the water rights, that that ought to be done at this time.

The CHAIRMAN. That is true.

Mr. RHODES. I recall that in many cases the proposition was completed beyond the point of necessity. Now, what Mr. Meritt has said I am not so certain relates to the practical side of the proposition on the reservations. I am not certain but that he has spoken with

regard to the theoretical idea that it is necessary to spend this much money for extension work in order to complete the project within so many years. I could see no reason why we ought not to let up a little bit on these expenditures.

The CHAIRMAN. I had in mind what you prepared would fix this whole thing. Will you read that proposed amendment?

Mr. RHODES (reading):

That no moneys appropriated under this section, reimbursables, shall be used for any purpose other than operation and maintenance until such time as the Secretary of the Interior shall prescribe rules and regulations for the payment of the per acre charge by all the users of water under the project to apply on the reimbursement on the total amount expended on the project.

Mr. HAYDEN. That provision of law would not apply to this situation for this reason: The sum of money herein appropriated is to extend laterals to furnish water to Indians from two sources, from the fluctuating flow of the river and from pumps. The Indians who are receiving river water and who also have the benefit of the pumping plant heretofore constructed have an assured supply of water, and there is no reason why under the circumstances they can not make some repayment. But some of the Pima Indians are dependent solely upon the flow of the stream; they get a crop one year and next year no crop. The year they grow no crop they come close to starvation, and you can not collect money from a starving Indian. But the Indian who has an assured water supply and grows a good crop every year might well be required to pay something on the construction charge.

Mr. RHODES. We do not want to keep water from any Indian or white man who may be there and may need the water.

Mr. HAYDEN. I have stated the situation as it exists on the Pima Reservation.

The CHAIRMAN. Let us see if we can not get a real understanding of this item. How much of this item do you propose to use for new work in the further development of the scheme?

Mr. MERITT. \$5,000.

The CHAIRMAN. We have already spent \$666,000 on the project?

Mr. MERITT. This is a very small amount to use in building necessary laterals.

The CHAIRMAN. But the principle is involved here just the same. All this money has been spent and no part of it has been paid back, and all the land you have put water on to is being used. It is to be supposed that somebody is making money out of that, and it is to be supposed that some are able to begin to pay, and I think that proposition ought to go on this item now.

Mr. MERITT. Some of the Indians are able to begin to repay the Government for the construction costs of the irrigation works on the Pima Reservation, because they are raising long staple cotton which is bringing them quite a return.

The CHAIRMAN. There is nothing in this item that says they must pay \$10 an acre or 10 cents. It is some reasonable amount, and it does not say that every man who is using the acres shall pay the same amount. If some acre is worth half as much as some other acre, the Secretary is empowered to make a rule, or to make an agreement, which will secure proper payments from each one.

Mr. HAYDEN. Does not the general legislation heretofore adopted cover this case?

The CHAIRMAN. No; it does not. It does not cover the part I think is most essential. In order to get economy you have to start somewhere, and in order to start in this bill you have first got to stop, and my idea would be to stop the capital expenditure until some arrangement has been made so that we can at least make a showing that we are beginning to get started in the direction of getting some of the money back.

Mr. MERITT. We will have no objection to this item going on this bill.

The CHAIRMAN. Very well.

Mr. RHODES. I will move, then, that it be inserted at this point, after line 11, page 24, insert the following amendment:

That no moneys appropriated under this section, reimbursables, shall be used for any purpose other than operation and maintenance until such time as the Secretary of the Interior shall prescribe rules and regulations for the payment of the per acre charge by all the users of water in the project to apply on the reimbursement on the total amount expended on the project.

The CHAIRMAN. I appreciate that many people think all these things are going out when they come up; but I will say now, and it should go into the record. I am going to fight for these ideas until the last minute of the time, as I believe they are practical and should be a part of the law. With that understanding, we will approve this item and proceed to the next, page 25, line 6.

For continuing the construction of the necessary canals and laterals for the utilization of water from the pumping plant on the Colorado River Indian Reservation, as provided in the act of April 4, 1916 (36 Stats. L., p. 273), \$53,400; and for maintaining and operating the pumping plant, canals, and structures, \$36,000; in all, \$89,400, reimbursable as provided in the aforesaid act.

Mr. MERITT. We offer for the record the following justification:

Pumping plant, Colorado River Reservation, Ariz. (reimbursable).

Fiscal year ending June 30, 1920, amount appropriated..... \$11,000.00
Fiscal year ended June 30, 1919: No appropriation for prior years.

Irrigation, Colorado River Reservation, Ariz. (reimbursable).

Fiscal year ending June 30, 1920:	
Amount appropriated.....	\$82,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated.....	20,000.00
Amount expended.....	20,000.00
Analysis of expenditures:	
Salaries, wages, etc.....	11,865.47
Traveling expenses.....	121.93
Transportation of supplies.....	620.86
Forage.....	930.72
Fuel, lubricants, power, and light service.....	3,128.87
Equipment and miscellaneous material.....	2,181.83
Rent of buildings.....	25.00
Miscellaneous.....	244.00
Outstanding liabilities.....	881.32
Total.....	20,000.00

Maintenance and operation, irrigation system, Colorado River Reservation, Ariz. (reimbursable).

Fiscal year ending June 30, 1920, amount appropriated----- \$41,000.00

Fiscal year ended June 30, 1919: No appropriation for prior years.

Surveys, etc., irrigation system, Colorado River Reservation, Ariz. (reimbursable).

Fiscal year ending June 30, 1920:

Amount appropriated----- \$54,000.00

Fiscal year ended June 30, 1919:

Amount appropriated----- 50,000.00

Amount expended----- 43,550.32

Unexpended balance ----- 6,449.68

Analysis of expenditures:

Salaries, wages, etc----- 33,405.02

Traveling expenses----- 1,003.64

Transportation of supplies----- 259.11

Stationery, printing, schoolroom supplies----- 60.61

Forage----- 899.18

Fuel, lubricants, power, and light service----- 782.71

Equipment and miscellaneous material----- 6,480.43

Outstanding liabilities----- 659.62

Total----- 43,550.32

Indian tribe, Chemehuevi and Mohave.

Number of Indians, 1,141.

Area of reservation, 310,400 acres.

Irrigation project started, 1867.

Work done by force account, using principally Indian labor.

Area of irrigable land under project, 10,000 acres.

Area of irrigable land under constructed works, 3,326.4 acres.

Area actually irrigated, 3,326.4 acres.

Area of irrigable land cultivated by Indians, 1,500 acres.

Area of irrigable land cultivated by lessees, 1,826.4 acres.

Area of irrigable land cultivated by white owners, none.

Cost of construction to June 30, 1919, \$185,706.26.

Cost of operation, maintenance, and miscellaneous, to June 30, 1919, \$130,344.96.

Operation and maintenance charges are collected from white water users.

Estimated additional cost to complete, \$86,000.

Estimated cost per acre when completed, \$27.

Average value of irrigated land per acre, \$150.

Average annual precipitation, 4 inches.

Source of water supply, Colorado River.

Crops produced, alfalfa, cotton, Kafir corn.

Market for products, local and general, good.

Distance from railroad, 1 to 10 miles.

This pumping plant was completed in 1912 and the Indians have received 10-acre allotments, of which they have about 1,500 acres under cultivation. In addition to this area 1,826 acres are under cultivation by white lessees, while about 4,000 acres additional have been leased and must be supplied with water in order to provide for its cultivation. The leases under which the aforesaid area is held are very advantageous to the Indians inasmuch as they provide that the land with all the improvements shall revert to the lessors at the end of 5 and 10-year periods.

Of the amount requested, \$36,000 is estimated to be the minimum amount necessary for the operation and maintenance of the pumping plants and canal system. A very large feature of the cost of operating this system is the removal of silt from the canals, silt being carried in large quantities by the water which is taken from the Colorado River. Owing to insufficient funds, this work has been neglected in past years and an unusual amount of cleaning must be

done in order to raise the canals to their highest efficiency. The balance of the sum requested is required for extending the canal system and for enlarging the present canals and structures in order to reach the land already leased and additional land which will be sought for cultivation by Indians or lessees as soon as there is prospect of water.

Aside from the immediate development of these lands it is very essential that use of the water be made in order to preserve the water rights of the Indians in the Colorado River.

Mr. DALLINGER. Did you not mean reverting to lessors, where the justification says it is very advantageous to the Indians, because it reverts to the lessees?

Mr. MERITT. Yes; that should be lessors; that was an error in the typewriting. I will change that to lessors.

The CHAIRMAN. This is a per capita proposition. I note that you have cut this down \$99,600 from last year.

Mr. MERITT. There has been a material cut in this appropriation.

The CHAIRMAN. This item seems to be another case of where the land is all being used that is under water, and it strikes me as being an item that we could safely continue by putting it under the same proviso that is provided in the other case.

Mr. MERITT. That will be satisfactory.

The CHAIRMAN. If there is no objection, we will add the same language after the word "act," in line 12:

That no moneys appropriated under this section, reimbursable, shall be used for any purpose other than operation and maintenance until such time as the Secretary of the Interior shall prescribe rules and regulations for the payment of the per acre charge by all the users of water in the project to apply on the reimbursement on the total amount expended on the project.

Mr. HAYDEN. I note at the end of the justification you state:

Aside from the immediate development of these lands it is very essential that use of the water be made in order to preserve the water rights of the Indians in the Colorado River.

Heretofore in making this appropriation we have used the words "for the purpose of securing an appropriation of water for the irrigation of lands," and so forth. I would like to know why you left out that provision. Do you think that the work you are doing is sufficient to maintain the appropriation which Congress first asserted some years ago?

Mr. MERITT. Yes, sir.

Mr. HAYDEN. And it is not necessary to repeat it now?

Mr. MERITT. We do not believe it is absolutely necessary, but see no objection to the language appearing in the item.

Mr. HAYDEN. It may not be necessary to repeat that assertion, but appropriations of water are being made from the Colorado River from year to year, and unless the United States continues to reaffirm the appropriation of some years ago the time will come when white men will claim that they have a prior right to the water and thus deprive the Indians of water for their lands.

Mr. MERITT. I think that water right will be protected under existing legislation, but we will have no objection to that appearing in the bill.

The CHAIRMAN. We have read that part of this section only down to line 12.

Mr. MERITT. Mr. Hayden was referring to one of the last items on page 24.

Mr. HAYDEN. I would like to look further into this matter and reserve the right to offer a perfecting amendment, if necessary.

Mr. DALLINGER. The provision of May 4, 1910, will cover that, will it not, Mr. Hayden?

Mr. HAYDEN. It may, but I want to be sure of it.

The CHAIRMAN. It is understood that we add the proviso to line 12, after the word "act," and approve the item at \$89,400. The clerk will read the next item.

For the construction of five new pumping plants, including the sinking of wells, installation of pumping machinery, construction of tanks for domestic and stock water, and necessary structures for the development and distribution of a supply of water for Papago Indian villages in southern Arizona, \$35,000; for operation and maintenance of constructed works for these villages, \$20,000; in all, \$55,000.

Mr. MERITT. We offer for the record the following justification:

Water supply, Papago Indian villages, Arizona.

Fiscal year ending June 30, 1920:	
Amount appropriated	\$38,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated	20,000.00
Amount expended	19,657.48
Unexpended balance	342.52
Analysis of expenditures:	
Salaries, wages, etc	10,407.95
Traveling expenses	771.88
Transportation of supplies	306.94
Fuel, lubricants, power and light service	1,941.34
Equipment and miscellaneous material	5,326.22
Outstanding liabilities	903.15
Total	19,657.48

Maintenance and operation water works, Papago Indian villages, Arizona.

Fiscal year ending June 30, 1920, amount appropriated	\$14,000.00
Fiscal year ended June 30, 1919: No appropriation for prior years.	

Indian tribe, Papago.

Number of Indians, 4,465.

Area of reservation, 2,335,510 acres.

Estimated number of head of stock owned by Indians, 28,267.

Number of villages benefited, 17.

Number of additional villages requiring a water supply, 5.

Cost of construction to June 30, 1919, \$94,955.19.

Cost of operation, maintenance, and miscellaneous to June 30, 1919, \$32,872.17.

Operation and maintenance charges are not collected from water users.

Thirteen pumping plants have been installed in the Papago country, and another well has been drilled. Authority has been granted for the drilling of wells and the construction of pumping plants at seven additional villages in 1920. This will make 20 plants which will have to be operated and maintained.

As soon as these plants are in operation, the Indians take advantage of the opportunity to bring in cattle, and it enables them to remain permanently in one location. It has been estimated that each well will sustain 500 to 1,000 head of cattle. There are several good locations remaining where splendid grazing is available but where no water can be had. It is proposed to drill wells and install plants at four of these places during 1921.

At Chui Chiuschu, the Indians are very anxious to cultivate additional land which can not be supplied from the present pumping plant. As water is within reasonable depth at this point and as the Indians here have done re-

markedly well under the present plant, it is desired to drill additional wells and install another plant for the irrigation of about three to four hundred acres. It is believed that the progress under the existing plant fully justifies this expenditure and that full advantage will be taken of a new plant.

The CHAIRMAN. How many of these installations have you authorized now that have not been installed?

Mr. MERITT. All excepting the present appropriation of \$38,000, and we are in process of expending that money.

The CHAIRMAN. This year?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Will all the installations provided for in the previous act be installed by the end of the fiscal year?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Personally I think this is a proper scheme, and, of course, it is more or less a new proposition and I doubt whether it would be wise to expand it to any great extent until we know more about it; this is a big expenditure and if it does what it is claimed, that every well provides water for the number of cattle you mentioned and is actually bringing new cattle into the district, that ought to go on.

Mr. RHODES. It ought to go on if the cattle are there, if the necessity exists. It ought not to go on if it simply means the completion of that project unless there is a necessity for it.

Mr. MERITT. This is one project where we develop water and every gallon of water will be utilized to the material benefit of these Indians and it will also increase the food supply of the country.

Mr. RHODES. Then it should go forward.

Mr. MERITT. This is one of the most meritorious items in the Indian bill. These Papago Indians are living in an arid country and making a living on land where it would be almost impossible for a white man to live, and with this small assistance from the Government these Indians are making progress and are self-supporting and self-reliant.

The CHAIRMAN. Will you explain why you asked for that increase of \$3,000?

Mr. MERITT. We will get along, Mr. Chairman, with the amount of last year, and reduce the \$3,000, making it \$17,000 instead of \$20,000.

Mr. REED. Could you not reduce the \$35,000 item \$3,000 and let the \$20,000 remain?

The CHAIRMAN. That is where you and I do not agree. That means instead of getting the five wells we get four. We should get the five wells and economize at the other end. If we are going to reduce I desire to have a reduction in the maintenance and operation and not installation.

Mr. MERITT. We will try to get along with \$17,000.

Mr. DALLINGER. That will be \$17,000 instead of \$25,000.

The CHAIRMAN. In line 20, reduce the item to \$17,000, leaving a total of \$52,000. The clerk will read the next paragraph.

To enable the Secretary of the Interior to carry into effect the provisions of the sixth article of the treaty of June 1, 1868, between the United States and the Navajo Nation or Tribe of Indians, proclaimed August 12, 1868, whereby the United States agrees to provide school facilities for the children of the Navajo Tribe of Indians, \$200,000: *Provided*, That the said Secretary may expend said funds, in his discretion, in establishing or enlarging day or industrial schools.

Mr. MERITT. We offer for the record the following justification:

Fulfilling treaties with Narajoes, schools, Arizona.

Fiscal year ending June 30, 1920:	
Amount appropriated	\$100,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated	100,000.00
Amount expended	100,000.00
Analysis of expenditures:	
Transportation of supplies	2,155.27
Stationery, printing, schoolroom supplies	162.91
Equipment and miscellaneous material	10.50
Construction of buildings	39,155.58
Repair of buildings	1,061.99
Outstanding liabilities	57,453.75
Total	100,000.00

The \$100,000 appropriated for the fiscal year 1918 was obligated for construction of lavatory annexes at San Juan and Toadlena boarding schools and improvements to water and sewer systems. Also construction of mess hall and addition to the schoolhouse at the Pueblo Bonito school, New Mexico. All payments on these projects have not yet been made.

With over 6,000 children out of school on the Navajo Reservation, the need for additional school facilities is great. Because of the nomadic habits of the Indians, due to the nature of the country, boarding schools are generally necessary.

Mr. DALLINGER. That doubles the appropriation.

The CHAIRMAN. With all due regard to the justification, our investigation does not show, in my judgment, the necessity for that increase at this time. There are a great number of children out of school there and there are a great many schools with capacity not filled up, and until you get the capacity you now have in successful operation I would not favor spending more of the Indians' money or anybody else's money on the schools around there.

Mr. DALLINGER. Why is it necessary to have any appropriation? As I understand, this is simply for buildings to provide school facilities. Does this pay for teachers?

The CHAIRMAN. It pays for everything. Is it not a general item?

Mr. MERITT. No, sir; this will pay for enlarging the school facilities, such as new buildings.

The CHAIRMAN. That is right.

Mr. DALLINGER. If, as you say, the schools are not running to their full capacity, why do you need any appropriation in this item?

The CHAIRMAN. The statement is made that these are a nomadic people, who go from one part of the reservation to another, depending upon climatic conditions, and must have schools for the children wherever they happen to be.

Mr. DALLINGER. Why not have schools on wheels?

The CHAIRMAN. That has been suggested and tried, but did not work out successfully.

Mr. MERITT. We have tried that in the Navajo country.

The CHAIRMAN. I am not willing to consider that at all as an increase at this time.

Mr. HAYDEN. How much have you available in unexpended balances from previous years?

Mr. MERITT. We will have expended by the first of July a large part of the unexpended balances. However, we would be satisfied if we could reduce the amount to \$100,000 and making the unexpended balances heretofore appropriated for this work available.

Mr. HAYDEN. I would like to see what the unexpended balances are.

The CHAIRMAN. I am willing to pass the item if you will show us to-morrow morning.

Mr. RHODES. For what purpose was the \$100,000 carried in the last appropriation act?

Mr. MERITT. We are expending that for increasing the school capacity at schools and otherwise in the Navajo country. We necessarily must have boarding school capacity rather than day school capacity because those Indian parents are moving from one locality to another during the different seasons and they take their children with them. Therefore, they ought to be able to educate these children without placing them in boarding schools.

Mr. DALLINGER. Was the suggestion ever made or the experiment ever tried of having teachers go with them? They do not travel just by families?

Mr. MERITT. Largely by families. They own the sheep individually and the family follows the herd.

The CHAIRMAN. I notice in the analysis of expenditures you used last year for construction approximately \$39,000, and there are outstanding liabilities of \$57,000. What part of the \$57,000 in your judgment consists of construction?

Mr. MERITT. A large part of it.

The CHAIRMAN. So that you probably spent in the neighborhood of \$80,000 of the \$100,000 in construction?

Mr. MERITT. Yes, sir.

The CHAIRMAN. It seems to me that is as fast as you can proceed judiciously under the circumstances, and I am willing, if the rest of the committee is, to allow them to have any unexpended balances in addition to that when we know what they are.

Mr. MERITT. We have been expending this money under great handicaps during the last few years. These schools are located a considerable distance from railroads and it is difficult to get the material and difficult to get the material to the place where it is used.

The CHAIRMAN. We will pass this item for further information. The clerk will read:

For continuing the development of a water supply for the Navajo and Hopi Indians on the Navajo, Moqui, Pueblo, Bonito, San Juan, and Western Navajo Reservations, \$40,000, reimbursable out of any funds of said Indians now or hereafter available.

Mr. MERITT. We offer for the record the following justification:

Water supply, Navajo and Hopi Indians, Arizona (reimbursable).

Fiscal year ending June 30, 1920:

Amount appropriated	\$30,000.00
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Fiscal year ended June 30, 1919:

Amount appropriated	25,000.00
Amount expended	<u>25,000.00</u>

Analysis of expenditures:

Salaries, wages, etc.	\$12,570.25
Traveling expenses	364.15
Transportation of supplies	1,744.72
Fuel, lubricants, power and light service	294.46
Equipment and miscellaneous material	10,002.42
Rent of buildings	24.00
Total	25,000.00

Indian tribe, Navajo and Hopi.

Number of Indians, 15,280.

Area of reservation, 11,976,983 acres.

Estimated number of sheep, goats, horses, and cattle owned by Indians, 1,170,560.

Number of wells drilled, 220.

Cost of construction to June 30, 1919, \$220,648.72.

Cost of operation, maintenance, and miscellaneous to June 30, 1919, \$36,491.42.

Operation and maintenance charges are not collected from water users.

There is no question in the minds of those who know conditions and results that the benefits to the Indians from this water development is greater than for a similar sum expended for any other work for the Southwestern Indians. They have increased their flocks and herds, because the grazing area has been increased, and their material welfare has been raised to a much higher standard than ever before.

For the past year (1919) two well rigs only have been at work, as the money available for the work would not permit a greater extension of the work.

It is absolutely necessary to maintain all of the windmills and wells as they are put in, for if left to the Indians they would only last a few months at best. A regular patrol of them all is maintained, and over 500 miles a month is necessary to visit each one once and oil and make the minor repairs, and when anything happens a special trip is necessary as quickly as possible, for having become accustomed to depending on the well, the flocks are so disturbed that it is almost impossible for them to get water at any other point. As wells are drilled it is necessary to supply them with windmill, tank, and trough. During 1919 there were purchased for this equipment and for repairs over \$3,800 worth of supplies, and \$4,450 expended for labor in patrol and repairing. On the Hopi Reservation there was expended in the same time about \$2,800 for labor and repairs and no equipment was bought. In the operation of two well rigs over \$13,000 was expended.

It is believed that, with \$40,000 for 1921, three rigs could be operated, and the maintenance and repairs kept up.

The CHAIRMAN. I notice in the statistical analysis that under the item of the Hopi Indians, salaries and wages consist of \$12,570, and that equipment and miscellaneous material amounted to \$10,002.42. It seems to me that is a very large amount of salaries and wages in proportion to the amount of equipment and material provided. How many wells did you install under this last appropriation and how many are there authorized which have not been installed?

Mr. MERITT. We are in process now of installing wells under the present appropriation. We have installed in the Navajo country over 200 wells altogether and this work has been very beneficial to those Indians and has furnished them a larger water supply and as a result they have larger herds of sheep and cattle.

The CHAIRMAN. The salary item, of course, pays the wages of men who go about from one well to another and keep them in repair.

Mr. MERITT. Yes, sir; that is salary and wages of various employees doing this work.

The CHAIRMAN. When you establish a well rig at one of these places, does it require an attendant to stay at the well all the time?

Mr. MERITT. No, sir.

The CHAIRMAN. How many wells does the average attendant ordinarily take care of?

Mr. REED. We have only two attendants in the operation of these wells over the entire area.

The CHAIRMAN. What do these salary items consist of; wages for installing and erecting pumps?

Mr. REED. Yes, sir; and for the drilling.

Mr. HAYDEN. You have a man who rides the reservation to see that the windmills and wells are kept in condition.

Mr. REED. Both men have to cover a thousand miles a month in order to look after it.

The CHAIRMAN. I am agreeable to this scheme; it seems a practical one and entirely different to spending millions of dollars to dig ditches and have them lay there not used. But here is a proposition where you bring the water to the top of the ground and cattle can come there and drink.

Mr. MERITT. I wish we had here some of the pictures showing the Indians and herds of sheep around these wells utilizing the water. It is a wonderful work.

The CHAIRMAN. As far as I am concerned I am willing to concede this increase and add an item of new legislation with regard to reimbursements.

Mr. RHODES. Let me make this observation here. Will we not have a lot of repetition by adding this amendment to each of these paragraphs relating to this and similar projects? I will ask Mr. Meritt if he does not think that that same amendment could be added to the amended section on page 7 of the proposed act in such a way as to accomplish the same purpose and thereby relieve the act as a whole from this superfluous matter which would be injected into it.

The CHAIRMAN. I have noticed in your statements very many times you use the words "that you want to be absolutely certain." That is what we want. We want to be certain this is going to a finish. I am not a lawyer and I do not care where it goes in the bill.

Mr. RHODES. I based my idea of certainty upon the elimination of the item in the bill as the most certain way of accomplishing the purpose. Really, my notion is more drastic than this. Your proposition is more generous than mine because it provides for the extension work and under conditions which require the payment back into the Public Treasury of a certain maintenance charge in order to get the benefit of the appropriation.

The CHAIRMAN. You and I do not disagree at all but we have not come to an item yet where we can use the measure you have in mind so far as I have been able to see.

Mr. RHODES. I have about made up my mind that we might accomplish both purposes by combining them.

The CHAIRMAN. Could we embody this amendment in the one already put in so that we would put all these items in in the way we want to cover them.

Mr. MERITT. I think this proviso could be modified somewhat so as to cover all of the reimbursable irrigation items in the bill, and it would not be necessary to place it in the bill except at one point.

The CHAIRMAN. Will you rearrange it and have it ready to give us at our afternoon session?

Mr. MERITT. Will you allow me until to-morrow morning?

Mr. RHODES. I would rather have it to-morrow morning, as I wish to consider it further.

The CHAIRMAN. Then, in all of the reimbursable items, we will mark them to be covered by that provision.

I am disposed to allow that increase on this item. If there is no objection, we will approve it for the time being and the clerk will read the next item, page 26, line 11.

For operation and maintenance of the Ganado irrigation project, reimbursable under such rules and regulations as the Secretary of the Interior may prescribe, \$4,000.

Mr. MERITT. We offer for the record the following justification:

Maintenance and operation, Ganado irrigation project, Navajo Reservation, Ariz. (reimbursable).

Fiscal year ending June 30, 1920:

Amount appropriated-----	\$3,000.00
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Fiscal year ended June 30, 1919:

Amount appropriated-----	3,000.00
Amount expended-----	3,000.00

Analysis of expenditures:

Salaries, wages, etc-----	2,933.01
Traveling expenses-----	23.99
Fuel, lubricants, power and light service-----	20.83
Equipment and miscellaneous material-----	21.75
Outstanding liabilities-----	.42

Total -----	3,000.00
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Indian tribe, Navajo.

Number of Indians, 12,080.

Area of reservation, 9,503,763 acres.

Irrigation project started, 1912.

Work done by force account, using principally Indian labor.

Area of irrigable land under project, 1,700 acres.

Area of irrigable land under constructed works, 800 acres.

Area actually irrigated, 365 acres.

Area of irrigable land cultivated by Indians, 250 acres.

Area of irrigable land cultivated by lessees, none.

Area of irrigable land cultivated by white owners, 115 acres.

Cost of construction to June 30, 1919, \$103,621.18.

Cost of operation, maintenance, and miscellaneous to June 30, 1919, \$10,598.73.

Operation and maintenance charges are not collected from water users.

Cost per acre, completed, \$60.

Average value of irrigated land per acre, \$100.

Average annual precipitation, 12 inches.

Source of water supply, Rio Pueblo Colorado.

Crops produced, alfalfa, corn, wheat.

Market for products, local.

Distance from railroad, 50 miles.

This project has just been completed and the funds requested herewith are estimated as necessary for operating and maintaining it during the fiscal year 1921. The project, being new, may be expected to develop washouts and other failures until it becomes seasoned, and due allowance has been made in estimating for the project in order to cover possible emergencies of this character.

The CHAIRMAN. Here we run into a proposition we have not before come up against. This is a completed project and there has been no operation of maintenance charge collected. My proposition would not cover that. That would stay in status quo.

Mr. HAYDEN. It seems to me that a general proviso at the beginning of the bill would require the Secretary of the Interior to issue regulations which would require some payment from the Indians on account of the capital charge.

Mr. RHODES. Make it broad enough to include operation and maintenance charges.

The CHAIRMAN. I have one other suggestion here. While this is a small increase it is a 25 per cent increase, and there ought not to be any necessity for that between last year and this. I should think a 10 per cent increase there would be nearer right.

Mr. MERITT. Would you compromise the matter and make it \$3,500?

The CHAIRMAN. Yes; I think that would be nearer correct. That will give you a \$500 increase. If there is no objection, then, the clerk will read the next item, page 26, line 21.

For the reconstruction of the irrigation project for the Laguna Pueblo and for operation and maintenance of the system, \$20,000, reimbursable by the Indians benefited, under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. MERITT. We offer for the record the following justification:

Irrigation system, Laguna Pueblo, N. Mex.

Fiscal year ending June 30, 1920, amount appropriated----- \$5,000
Fiscal year ended June 30, 1919: No appropriation for prior years.

IRRIGATION PROJECT, LAGUNA PUEBLO (REIMBURSABLE).

Indian tribe, Pueblo.

Number of Indians, 1,688.

Area of reservation, 154,025 acres.

Irrigation project started several hundred years ago by Indians. Assistance first rendered by Indian Service in 1907.

Work done by force account, using principally Indian labor.

Area of irrigable land under project, 2,546 acres.

Area of irrigable land under constructed works, 2,546 acres.

Area actually irrigated, 2,546 acres.

Area of irrigable land cultivated by Indians, 2,546 acres.

Area of irrigable land cultivated by lessees, none.

Area of irrigable land cultivated by white owners, none.

Cost of construction to June 30, 1919, \$39,440.21.

Cost of operation, maintenance and miscellaneous to June 30, 1919, nothing.

Estimated cost per acre when completed, \$25.

Average value of irrigated land per acre, \$150.

Average annual precipitation, 14 inches.

Source of water supply: San Jose River.

Crops produced, wheat, corn, alfalfa.

Market for products, local.

Distance from railroad: Railroad through project.

Owing to the great loss of water in carrying the small amount available for long distances, it is proposed to remodel the ditches for the Laguna Indians and to provide one highline ditch from the upper dam on the Acoma lands to the lands of the Lagunas and to line this ditch to prevent seepage losses. The Pueblo Indians have practiced irrigation from time immemorial, and the Lagunas are the most progressive of these several bands. During the past these Indians have contributed a very large part of the labor used in connection with construction work on the irrigation ditches, the Government furnishing for the most part only material and the superintendence, and it is probable that a considerable amount of labor will be contributed by them in connection with the work proposed hereunder. Water is very scarce, and the contemplated work will make possible the irrigation of practically double the crop area with the water available.

The CHAIRMAN. I note here that the value of the irrigated land will be \$150 per acre, and that the estimated cost per acre when completed will be \$23. This is an old scheme that you propose to revitalize; is that correct?

Mr. MERITT. Yes, sir.

The CHAIRMAN. You had \$5,000 last year for expenditure in this fiscal year; is that correct?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Can Mr. Reed or yourself tell us what has been done, if anything, with it?

Mr. MERITT. That is in process of being expended now.

Mr. REED. Hardly any of it has been expended.

The CHAIRMAN. Is it a fact that your idea was to get \$5,000 last year and \$15,000 more this year and then begin to do something?

Mr. REED. No; it was not. That will be expended mostly in supplying the Indians with material. These are Indians who are willing to contribute and will contribute of their labor. They have no money, and they live in an exceedingly dry area, where there is very little water available, and this is for bettering ditches and improving conditions that now exist. They put the original ditches in themselves.

Mr. HAYDEN. How do you propose to line the ditch?

Mr. REED. In some places with a cement process.

Mr. HAYDEN. That is on account of passing through a porous ground where the water seeps away?

Mr. REED. It is over a porous gravel, and they lose a large part of it.

The CHAIRMAN. With the \$5,000 you have unexpended, and if you get this \$15,000 how much acreage can you supply with water sufficient to do them any good?

Mr. REED. They could get in there between 10,000 and 15,000 acres.

Mr. HAYDEN. The Indians are actually irrigating every acre under their present canals; that is, 2,546 acres.

Mr. REED. Yes; they irrigate all of that. They never waste a drop of it except what is lost through the bottom of their canals.

Mr. RHODES. Are they self-sustaining Indians?

Mr. REED. Yes, sir.

Mr. RHODES. And they are farmers?

Mr. REED. They are farmers and stockmen. They work the two together.

Mr. MERITT. These are the pioneer irrigationists of the United States.

Mr. RHODES. Are they farming on a 3-acre scale?

Mr. REED. They farm as much as they can get water on—to the limit of the water.

Mr. RHODES. What is the average acreage they farm under present conditions?

Mr. REED. They farm on an average of 30 to 40 acres.

Mr. RHODES. That begins to sound like farming. When you get to these backyard farms I do not think much of it.

The CHAIRMAN. If we can get a pumping system to operate here, I would be willing to give you \$10,000 this year, in addition to the \$5,000 to start, instead of \$15,000. Then they would have a sufficient amount of money to do some work with. If there is no objection, and if our

proposed amendment will apply, I am willing to make this item \$10,000 instead of \$20,000.

Mr. HAYDEN. That depends, of course, upon how much work is to be done. The ditch which runs through a porous formation must be lined with cement for the length of that formation.

The CHAIRMAN. They have \$5,000 they have not been doing anything with and by the time they get \$15,000 for expenditure we will be back here making another bill.

Mr. HAYDEN. Do you want to take two bites at the cherry?

The CHAIRMAN. I prefer to do that with the condition of the Public Treasury and the condition of the minds of the people.

Mr. RHODES. Labor may not be quite so expensive.

The CHAIRMAN. That item will be \$10,000, then, instead of \$20,000.

Mr. HAYDEN. Inasmuch as this project is located in the State of New Mexico this item should be transferred to page 54 when we make the next print of the bill.

The CHAIRMAN. The clerk will read the next item, page 27, line 7.

For operation and maintenance of the pumping plants on the San Xavier Indian Reservation, Ariz., \$18,500, reimbursable out of any funds of the Indians of this reservation now or hereafter available.

Mr. MERITT. We offer for the record the following justification:

PUMPING PLANTS, SAN XAVIER RESERVATION (REIMBURSABLE), ARIZ.

Indian tribe, Papago.

Number of Indians, 5,560.

Area of reservation, 2,335,510 acres.

Irrigation known to have been practiced since 1732. First aid rendered by Indian Service about 1895.

Work done by force account, using principally Indian labor.

Area of irrigable land under project, 1,500 acres.

Area of irrigable land under constructed works, 1,500 acres.

Area actually irrigated, 1,500 acres.

Area of irrigable land cultivated by Indians, 1,500 acres.

Area of irrigable land cultivated by lessees, none.

Area of irrigable land cultivated by white owners, none.

Cost of construction to June 30, 1919, \$51,624.73.

Cost of operation, maintenance, and miscellaneous to June 30, 1919, \$51,968.18.

Operation and maintenance charges are not collected from water users.

Average value of irrigated land per acre, \$150.

Average annual precipitation, 12 inches.

Source of water supply, wells.

Crops produced, wheat, corn, rye, alfalfa.

Market for products, local, good.

Distance from railroad, 9 miles.

This sum is required for the operation and maintenance of five pumping plants on this reservation, upon which 1,500 acres of land are dependent for irrigation water. Two crops per year are raised on practically all of this land. The advance of \$2,000 over the amount appropriated for the fiscal year 1920 is made necessary by increases in the cost of fuel and labor.

The CHAIRMAN. That is a scheme which should be maintained. The increase is only about 10 per cent.

Mr. HAYDEN. All the land irrigated is cultivated by Indians, who utilize the total area under the project.

Mr. MERITT. We very much need that small increase to operate the plant.

Mr. RHODES. I am favorably disposed to this maintenance item.

The CHAIRMAN. We will approve the item, and the clerk will read the next, page 27, line 22.

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of \$38,500 of any tribal funds on deposit to the credit of the Indians of the San Carlos Reservation in Arizona, and to expend the same for the operation and maintenance of pumping plants for irrigating the lands of the Indians on the said reservation, and for the installation of two new pumping plants, fuel tank, and the drilling of a test well in McMillan, Wash., for the purpose of providing water for the irrigation of additional Indian land: *Provided*, That the sum so used shall be reimbursed to the tribe by the Indians benefited, under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. MERITT. We offer for the record the following justification:

PUMPING PLANTS, SAN CARLOS, ARIZONA (REIMBURSABLE).

Indian tribe, Apache.

Number of Indians, 2,515.

Area of reservation, 1,834,240 acres.

Irrigation project started, 1885.

Work done by force account, using principally Indian labor.

Area of irrigable land under project, 2,700 acres.

Area of irrigable land under constructed works, 1,180 acres.

Area actually irrigated, 280 acres.

Area of irrigable land cultivated by Indians, 280 acres.

Area of irrigable land cultivated by lessees, none.

Area of irrigable land cultivated by white owners, none.

Cost of construction to June 30, 1919, \$105,206.08.

Cost of operation, maintenance, and miscellaneous to June 30, 1919, \$16,437.84.

Operation and maintenance charges are not collected from water users.

Estimated additional cost to complete, none.

Estimated cost per acre when completed, \$50.

Average value of irrigated land per acre, \$175.

Average annual precipitation, 10 inches.

Source of water supply, San Carlos and Gila Rivers.

Crops produced, alfalfa, corn, rye, wheat.

Market for products, local and general; good.

Distance from railroad, 1 mile.

Three pumping plants are in operation at San Carlos and one at Bylas, on the same reservation. These plants supply water for irrigating about 1,100 acres of land. These plants were made necessary by the extreme floods in the Gila and San Carlos Rivers, 1914, 1915, and 1916, which destroyed practically all the canals and canal headings which had heretofore been used for gravity supply.

These Indians are making good use of the land under the pumping plants. They have excellent crops this year, and besides the Indian land the agency has a tract of about 70 acres, which is producing practically all of the feed which has heretofore been purchased. An excellent stand of alfalfa has been secured, and good crops of corn and wheat were raised during the past season. Without the operation of these plants, a large number of Indians would be practically dependent upon the Government for their subsistence.

Two new pumping plants are proposed for the Bylas district for the year 1921. The Bylas Indians are very anxious to have additional wells put down in their vicinity, as many of the Indian who lived there before the destruction of the canals by floods have been unable to do any farming and are anxious to return to their old lands.

The first pumping plant is to be located at Black Point, and the second on what is known as Dewey Flat. The two plants should irrigate about 700 or 800 acres of excellent land on the south side of the river. There are between four and 500 Indians in the Bylas district, where we have only one pumping plant capable of supplying about 300 acres. If these two plants are constructed at Bylas it would then be advisable to install an additional storage tank at this point to supply all three of the plants, as a saving of about 3 cents per gallon can be saved by purchasing in tank-car lots.

In addition to the construction of the above-mentioned pumping plants, it is proposed to drill an experimental well in McMillan, Wash., at a point about 3 miles above Rice. This well could be put down to such depth that the water resources of this region can be thoroughly determined. If an adequate supply of water can be developed at this point, an area of approximately 1,000 acres can be reclaimed. This is excellent land, not far from Rice School, and would, without doubt, become a valuable addition to the cultivated lands of the reservation.

The CHAIRMAN. How much money have these Indians in their tribal fund?

Mr. MERITT. They had in the Treasury on June 30, 1919, \$111,855.

The CHAIRMAN. Has that been reduced any to your knowledge?

Mr. MERITT. Not materially.

Mr. HAYDEN. What is the average annual income that the San Carlos Apache Indians receive from grazing leases and other resources? My recollection is that they have an income of about \$100,000 a year.

The CHAIRMAN. Do the Indians require this increased capacity themselves? Do they desire it?

Mr. MERITT. Yes, sir.

Mr. HAYDEN. There are no white men leasing any land under this project.

The CHAIRMAN. I see no objection if the Indian desires it and is willing to have his money spent for that purpose. I think that is justifiable and we ought to permit it.

Mr. MERITT. The annual income of the San Carlos Indians from grazing leases is approximately \$110,000.

The CHAIRMAN. That item is left as it is. The Clerk will read the next item.

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of \$7,750 of any tribal funds on deposit to the credit of the Indians of the Fort Apache Reservation in Arizona, and to expend the same, in connection with the sum of \$3,550 of the funds appropriated in this act for Indian school and agency buildings, for completing the reconstruction, repair, and improvement of the power plant and irrigation system on the Fort Apache Indian Reservation, Arizona, as provided for in the act of June 30, 1919 (41 Stat. L., 11): *Provided*, That the tribal funds so expended shall be reimbursed to the tribe by the Indians benefited under such rules and regulations as may be prescribed by the Secretary of the Interior: *And provided further*, That the sum of \$3,550 of the amount appropriated in this act for Indian school and agency buildings is hereby set apart and reserved for this purpose.

Mr. MERITT. We offer for the record the following justification:

POWER PLANT, FORT APACHE, ARIZONA (REIMBURSED).

The power plant installed at the White River Agency more than 15 years ago for the purpose of furnishing light and power for pumping water for domestic use has become inadequate for the needs of the community. No substantial heading has been provided, so that much of the water is lost by seepage at the heading and from the canal. At the power house the machinery is practically worn out and serious breakdowns are of frequent occurrence. Also, the power house is located in such a manner as to be in danger of being undermined by floods.

In rebuilding this plant provision has been made for not only sufficient power for light and pumping for domestic use, but for operating shop machinery, a proposed ice plant and flour mill, and for furnishing light to Fort Apache and Canyon day schools. In addition to these agency and school uses, power is to be used for the irrigation of about 460 acres of land lying on the mesa near the agency, and gravity water will be supplied by the system to

227 acres of land in the river bottom. All of the soil is very rich and capable of producing splendid crops with proper handling. Provision was made in the Indian act for the fiscal year 1920 for this work to the extent of \$35,200, but, owing to the constantly increasing costs of material and labor, it has been found that the original estimates will be exceeded and that the appropriation heretofore made will be insufficient.

The CHAIRMAN. How much money have these Indians in the Treasury?

Mr. MERITT. They had in the Treasury June 30, 1919, \$87,536.

The CHAIRMAN. And they desire to have this work done?

Mr. MERITT. Yes, sir.

The CHAIRMAN. And you conceive it to be a necessity in the interests of the Indian?

Mr. MERITT. It is an absolute necessity, Mr. Chairman.

Mr. RHODES. Is it an Indian project exclusively?

Mr. MERITT. Yes, sir.

The CHAIRMAN. If there is no objection we will approve that item, and the clerk will read the next provision, page 30, line 20.

For completing the construction by the Indian Service of a dam with a bridge superstructure and the necessary controlling works for diverting water from the Gila River for the irrigation of Indian land and Indian allotments on the Gila River Indian Reservation, Arizona, as recommended by the Board of Engineers of the United States Army in paragraph 217 of its report to the Secretary of War of February 14, 1914 (H. Doc. No. 791), \$150,000, to be immediately available and to remain available until expended, reimbursable as provided in section 2 of the act of August 24, 1912 (37 Stat. L., 522): *Provided*, That the limit of cost of the said dam and bridge fixed by the act of May 25, 1918 (40 Stat. L., 569), is hereby changed from \$250,000 to \$400,000.

Mr. MERITT. We offer for the record the following justification:

COMPLETING DAM WITH BRIDGE SUPERSTRUCTURE, ETC., GILA RIVER, ARIZ. (REIMBURSABLE).

The acts of May 18, 1916 (39 Stat., 129); March 2, 1917 (39 Stat., 974); and May 24, 1918 (40 Stat., 568), provided the sum of \$250,000 for the work set out in the aforesaid item. By the time bids could be requested the country had become involved in the war, following which the uncertainty of obtaining materials, together with the enormous increases in cost, made it practically impossible to procure bids. It has recently become possible to procure bids, but the costs are so much in excess of those at the time our estimates were made that no bid has been received within the sum available, and it is apparent that the work can not be done with the money in hand. The work is very important and should by all means be done as early as possible. For this reason it is requested that the sum be made immediately available.

The CHAIRMAN. Since the chairman of the committee conceives that economic conditions are, if anything, worse from a building standpoint than they were during the period of the war, he does not think it proper to start this project at this time, and therefore reserves the point of order on the item to listen to argument.

Mr. HAYDEN. To begin with, no point of order will lie against the appropriation because it is for the continuation of a public work heretofore authorized by law. The work must be done. The construction of this diversion dam has been put off and postponed on the theory that a little later materials and labor were going to be cheaper with the result it will now cost more than ever before. If the \$250,000 now available for this project had been invested in steel and cement, the increase in the value of such materials alone would to-day pay for the added cost as the estimate now stands.

I want this committee to know that the Pima Indians had an adequate supply of water and were successfully cultivating their lands, enjoying a prosperous agricultural existence, long before white people came into Arizona; that the United States as the guardian of the Pima Indians did not protect their water rights, but under acts of Congress, through the operation of the homestead and the desert land laws, the waters of this stream have been diverted higher up so as to deprive the Pimas of water which reduced them to the verge of starvation. There is a moral obligation on the part of Congress to restore the conditions to at least where they were when the Pima Indians came under our jurisdiction. The only way to do that is to build diversion dams in that stream of such character that the Indians can make use of what water does come down the stream. They have suffered as much from the floods as from droughts during all these years because they are dependent upon light brush dams to divert water for irrigation. They can not commence the dam until the flood has run down, and then there is no water in the stream. I must insist, in justice to the Indians, regardless of the present high prices of materials, that this work proceed because the prophecies about cheaper construction in the future have failed. If we put it off for another year Congress will have to appropriate still more money.

The CHAIRMAN. I appreciate your argument and the necessity, but I am still of the opinion that this would be an inopportune time to start any such construction, due to the fact that you would find not only very high prices for all commodities, but you would find it very difficult to get the commodities for the work. Further, I am of the belief that conditions will be much more opportune later on than at the present time. I can conceive under the conditions which are piling on us, when the English pound yesterday was worth \$3.67, that shortly we are going to find ourselves in this country, unless that condition changes and changes quickly, at a point where commodities will be much cheaper than they are to-day.

Mr. HAYDEN. You must realize that this appropriation is made up for a year ahead of the present time, and if conditions are going to change as quickly as you suggest, we will be in position to take advantage of it. The mistake that was made in the beginning about appropriations for this project was that \$75,000 was appropriated, then \$125,000, then \$50,000, or a total of \$250,000. If the \$250,000 had been appropriated at the start and placed in the hands of the Indian Service this dam would have been built by this time, but the committee said we will give you a little and then a little more, thinking each time that market conditions would improve, with the result that prices have materially advanced.

The CHAIRMAN. That is water over the dam, as I heard an eminent gentleman state in the Senate yesterday.

Mr. HAYDEN. We should not make the same mistake again.

Mr. RHODES. Without knowing either the history or the facts in the case, and conceding that there is merit in what he said, I want to ask the gentleman if it is a fact that the condition of this project is such that this appropriation could at least be postponed another year without sustaining serious losses.

Mr. HAYDEN. You simply condemn the Pima Indians for another year to the chance of planting a crop from which they will get no return because of the fact that next year is liable to be dry with no flow of water in the Gila, or if floods destroy the temporary dams the Indians will loose their crops from that cause.

Mr. RHODES. I believe in discontinuing all these appropriations upon this view of the matter. In the first place I believe that with the reconstruction that must sooner or later occur and in the restoration of normal economic and industrial conditions that labor conditions must improve, and that the cost of materials will be adjusted whether they are to reach a higher or lower level or remain as they are. A more stable condition will sooner or later be established. Outside of these facts, which to my mind are apparent, I think the condition of the Public Treasury ought to be considered at this time. I saw recently that the interest charges of the war debt alone for the present fiscal year will exceed a billion dollars. Of course, as a de facto proposition, the war is ended, and we hope it will end soon from a legal point of view so that we could certainly and reasonably anticipate a better condition of the Public Treasury. I know that many public enterprises have been halted during the war period.

For instance, I have a case in my own district. I just looked into the fact the other day, and I find that in 1913 an appropriation was made for the acquisition of a site there to erect a public building at a cost of \$50,000. The title of the property was taken, the old building removed and the site put in condition. It is standing there to-day without a new building, and I am not encouraged to believe we are going to get an appropriation in the immediate future for the erection of that building, held in suspension since 1913.

In the light of all the facts in the case it seems to me that unless the necessities are absolutely pressing and of an indispensable character we ought not to be urged to take upon ourselves an expenditure, say, of \$150,000 for one individual project when there are other demands on every hand throughout the length and breadth of this country, and there is merit in a great many; I should say in the majority of the enterprises and projects. It is a question of being able to meet the situation, or if not, simply making the best of a bad situation, for which nobody is responsible, and the results of which we can not escape.

Mr. HAYDEN. We have with us this morning Mr. Reed, the chief irrigation engineer of the Indian Service, who has recently visited this project. It might be well for the committee to hear from him on this item, and the one following, because they are linked together as one project. You will notice that the bill provides for the completion of another diversion dam above Florence. You must understand that the situation on the Gila River is such that it is impossible to divert all the water that the Pima Indians need by one structure.

The diversion dam mentioned in the item under consideration is located within the reservation, near the agency of Sacaton. The Florence dam is located about 30 miles above the reservation where the river comes out of the mountains, being confined up to that point to a narrow channel. A dam constructed there would divert the water and make it possible to carry it down to the reservation without material losses. If the water is allowed to flow down the

bed of the stream, and in many places it is nearly a mile wide, the water is lost in the sand and gravel, so that two dams are absolutely necessary, and are so recommended by the board of Army engineers who reported upon the project. If they are to be constructed, they must be considered together as a part of the same project. I would like to have Mr. Reed make a statement to the committee as to the necessity for these appropriations.

Mr. RHODES. I will concede right now that it is a necessity from an engineering standpoint and as a part of the original project. I would like very much to hear Mr. Reed on the question, especially of postponing this work.

Mr. REED. As far as the engineering features are concerned, which you have conceded, there is another feature entering into it right now, brought into it recently by the activities of outside parties. About 100 miles below, on the same stream—I mean the Gila—a private enterprise has now started in on the construction of an irrigation project which includes a submerged dam, a superstructure and canal, in which it is said that there is contemplation of an expenditure of \$600,000. I have not gone into that in detail and do not know that those figures are correct. But they are going ahead with that work right now. They are going to make a diversion dam. Unless they fail, if they build their work and begin the application of the water that they will take, not substrata and top water, they are going to at that time to begin to secure a water right adverse to the interests of the Indians. That is another element entering into this scheme now.

Mr. RHODES. It seems to me that question would rest wholly upon their legal rights and that the Government ought not to be put into an attitude of running a race with somebody else on anybody's project.

Mr. HAYDEN. It is the law in the West that he who first applies water to the land acquires a prior right. That principle is recognized in every arid-land State.

Mr. RHODES. But there is a broader declaration of law than that to which the courts adhere when their attention is properly called to it, and that is that all men have an equal right to enjoy the natural forces of nature, including light and air and water.

Mr. HAYDEN. Unfortunately, the gentleman is not familiar with irrigation law, or he would know that the decisions of the Supreme Court flatly contradict the principle that he has enunciated.

Mr. RHODES. The irrigation law ought not to be supreme to the older and ancient doctrine of the common law.

Mr. HAYDEN. The irrigation law descends to us, not through the common law, but through the law of Spain and Mexico, which governed the arid West prior to its annexation to the United States. In all arid countries you will find that the doctrine of prior appropriations applies, and that he who first uses the water acquires the first right.

Mr. RHODES. That would not be an exclusive right.

Mr. HAYDEN. Absolutely so.

Mr. RHODES. It would not go to the merits of the question.

Mr. HAYDEN. It is a practical question.

Mr. RHODES. If we have to engage in a race with a private enterprise and see which can beat the other to the desired object, is the Government justified in making this appropriation at this time?

The CHAIRMAN. I do not think that this committee is justified in indorsing either that one or the one following, or the one following that.

Mr. HAYDEN. Let me ask Mr. Reed this question. If it should be necessary to abandon the construction for this year, of one or the other of these dams, conceding that you can not do anything with a small amount of money on one or the other of them, because if you are going to undertake either project you ought to have money to put it through, I want to ask Mr. Reed, in his opinion, which dam, the one at Sacaton, mentioned in the first paragraph, or the one above Florence, mentioned in the following paragraph, is most essential to protect the rights of the Indians?

Mr. REED. At the present time, if we could get one or the other—I would not want to go into the question of abandoning it permanently, but a temporary abandonment for a year—I really believe we should probably build the upper dam, which is the second item here.

Mr. HAYDEN. In order that we may consider that question, I will ask the clerk to read the next paragraph.

The CHAIRMAN. The clerk will read:

For completing the construction by the Indian Service of a diversion dam and necessary controlling works for diverting water from the Gila River at a site above Florence, Ariz., as provided by the act of May 18, 1916 (39 Stat. L., 130), \$75,000, to be immediately available: *Provided*, That the total cost is hereby changed from \$175,000 to \$250,000; and for continuing the construction of the necessary canals and structures to carry the natural flow of the Gila River to Indian lands of the Gila River Indian Reservation and to public and private lands in Pinal County, as provided in the aforesaid act, \$275,000; in all, \$350,000, to remain available until expended, reimbursable as provided by the aforesaid act of May 18, 1916.

Mr. MERITT. I will now offer for the record the following justification:

COMPLETING DIVERSION DAM AND CONTROLLING WORKS ON THE GILA RIVER AT FLORENCE, ARIZ. (REIMBURSABLE).

The acts of May 18, 1916 (39 Stat., 129) and March 2, 1917 (39 Stat., 974), provided the sum of \$175,000 for the construction of a diversion dam and necessary controlling works for diverting water from the Gila River at a site above Florence, Ariz., in accordance with an estimate by the Board of Engineer Officers of the United States Army for the irrigation of private and public lands in Pinal County, Ariz. This work was subjected to the same circumstances as mentioned with respect to the dam with bridge superstructure mentioned in the last preceding item. Owing to the increased costs it will now be impossible to construct this dam for less than \$250,000 and it accordingly becomes necessary to ask for an additional appropriation of \$75,000. As indicated in the act of May 18, 1916, this diversion dam will be only a part of the proposed irrigation system, canals, and laterals with necessary structures being necessary to the distribution of the water. Although it has been impossible to commence actual construction work the plans have been made and preliminary work done, so that when additional funds shall become available, it will be possible to push this work to an early completion. It will be, of course, desirable to carry the distributing system along with the work on the diversion dam so that when the dam shall have been completed the delivery of water can be commenced immediately. Accordingly, the sum of \$275,000 should be made available at this time for such work; therefore, that amount is also included in this item.

Mr. HAYDEN. Are you satisfied, Mr. Reed, that \$75,000 will complete the dam in addition to the sums that are now available?

Mr. REED. If conditions do not get any worse than they are now.

Mr. HAYDEN. You think you could finish it with an additional \$75,000 if you could go to work on it right now? You ask as a part of this appropriation for \$275,000 for continuing the canal construction, of which you have available at the present time \$50,000. Would it be possible for you to get along with less than \$275,000 during this fiscal year if you concentrated your energies on the dam and head works?

Mr. REED. Yes, sir.

Mr. HAYDEN. If you had enough money to finish the dam, could you get along with \$100,000 for commencing the main canal and head works?

Mr. REED. Yes. That would enable us to tie into some of the old systems and get some water along for use.

Mr. HAYDEN. That would tide you over this year?

Mr. REED. Yes.

The CHAIRMAN. How much money is there now available?

Mr. HAYDEN. There is available now \$225,000. That is \$175,000 for the construction for the dam. He wants \$75,000 more, and there is \$50,000 available for canal construction and he wants \$100,000 more. Following Mr. Reed's suggestion, instead of making an appropriation of \$350,000, we would make an appropriation of \$175,000, being \$75,000 for the dam and \$100,000 to tie in the canal and head works, to the existing system which must be enlarged. Mr. Reed thinks he can get along with that amount.

The CHAIRMAN. Why have you not started the work with the money available?

Mr. REED. We can not start into the construction of a dam across the river until we have all the money to go across. If we should be caught in the middle with a partial construction, probably all we had done or a large part of it would be wiped out.

The CHAIRMAN. When the original appropriation was made was that contemplated to build the dam?

Mr. HAYDEN. Congress again took two bites at the cherry and must nibble at it again.

The CHAIRMAN. So you have not really started the work?

Mr. HAYDEN. Mr. Reed has all of his plans ready to go on with the work.

The CHAIRMAN. This has been delayed two or three years, and supplementing a question Mr. Rhodes asked some time ago, the Indians have, as someone has said, suffered losses of this water always up to this time?

Mr. REED. No.

The CHAIRMAN. Did they ever have the use of the water such as these dams will supply?

Mr. REED. They did in the past for this reason: In the past there was no appropriation above and large amounts went down without any dam. Now, since the increased appropriation and use of water above, the waters do not pass and they have got to go in there and divert the waters.

The CHAIRMAN. How long has this been in existence?

Mr. REED. It has been going for the last 20 years.

The CHAIRMAN. How much worse are they to-day than they were three years ago?

Mr. REED. Perhaps not any.

The CHAIRMAN. Then it would be no particular hardship on them to continue the same condition for another year?

Mr. REED. It would be continuing the hardships and not increasing them, only as I said before, this other element is injected by the private parties going below and making an appropriation.

Mr. RHODES. Why don't you take out an injunction to restrain these people from installing their system to such an extent as to deprive other people similarly situated from enjoying equal privileges?

Mr. REED. An injunction would not lie, because we could not show harm until they took out water, and as a matter of fact the injunction would come the other way. We will take their water later on and they will be the people damaged.

Mr. RHODES. Do you mean to say that the priority of right attaches to the user or prospective user of water under the law to the extent that he can use water to the exclusive use and benefit of other people similarly situated?

Mr. REED. Yes, sir.

Mr. HAYDEN. There is no question about that at all.

Mr. REED. It has been so decided time and again.

Mr. RHODES. I do not think you get my question. Do you mean to say that in the exercise of that right they could consume all the water in the stream and dry it up?

Mr. REED. All of the irrigation water.

Mr. RHODES. That is a different proposition.

Mr. HAYDEN. There is the right of domestic use.

Mr. REED. The courts recognize domestic use as a higher use.

The CHAIRMAN. I understand, Mr. Reed, you say if you had \$75,000 in line 13, and \$100,000 of the \$175,000, line 19, in connection with the available amounts now on hand, you could start this work, complete the dam, and start in a good, economical way to build the canals which would connect the Indians up with the water there?

Mr. REED. Yes, sir.

The CHAIRMAN. And you think you are perfectly safe in making that statement?

Mr. REED. I think I am.

The CHAIRMAN. And further that there will be no great hardship if we cut out the \$150,000 item called for just ahead of this in the paragraph ahead of that, and that one could go over for at least another year?

Mr. REED. There will be some hardship.

The CHAIRMAN. It would be a continuing hardship and not particularly a new hardship?

Mr. REED. No.

The CHAIRMAN. And that would bring the two items from \$500,000 to \$175,000; is that right?

Mr. REED. Yes.

The CHAIRMAN. In view of that, Mr. Rhodes, it seems to me that that is a fair sort of compromise, considering the state of the Public Treasury and the necessity for the expenditure, and the fact that they

are asking us to start two projects. We can compromise in our favor to the extent of the difference between \$175,000 and \$500,000. I think we might consider conceding it.

Mr. RHODES. The question is about compromising on the principle you set out to establish.

The CHAIRMAN. I appreciate that, but this seems to be a little different proposition from most of them.

Mr. HAYDEN. You should remember, Mr. Chairman, and I want Mr. Rhodes to get this clearly in mind, that there is a moral obligation on the part of the United States to provide an adequate water supply for the Pima Indians.

Mr. RHODES. I never dispute that obligation, but it is only a question of when we ought to fulfill the obligation.

Mr. HAYDEN. I can not look any further into the future than anyone else. It may be that next year the cost of construction will be much higher than this year. We can find that out by doing some construction right away.

The CHAIRMAN. I have another thing in mind, since Mr. Rhodes has raised the question that we are compromising the policy we have agreed on. We will come to a place in this bill where we must consider the Wind River and Riverton propositions. I want to have somebody point out to me wherein that differs from this proposition. Perhaps Mr. Hayden or Mr. Reed can explain it. Of course, we have made careful investigation of the Riverton scheme and disclosed that it is purely a white man's project, except to the extent that when the land is finally sold the income from those sales, less the cost of the project, will go to the Indian, and the Indian is interested to that extent. As I understand this project, it is for the purpose of putting water on the land the Indian is going to use himself.

Mr. HAYDEN. No, Mr. Chairman; the hearings clearly show that the Florence Dam which we are talking about constructing will supply water to both the Indian lands and lands belonging to white men. The majority of the acreage, however, is Indian land.

The CHAIRMAN. I did not see any place where you pointed that out.

Mr. HAYDEN. I have repeatedly pointed that fact out in the hearings before this committee.

The CHAIRMAN. If we put this in, we have got to be able to justify cutting out the other one.

Mr. RHODES. I wish that I could feel that the Public Treasury would be in such condition that we could meet all these requirements. I am not disputing the necessity for it. It is only a question of practicability.

Mr. HAYDEN. We discussed this matter very fully in the previous investigation, at page 53 of serial No. 12 of the hearings. I will read a part of it:

Mr. HAYDEN. In addition to the dam at Sacaton, money has also been appropriated for the construction of a dam above Florence higher up the Gila River.

Mr. REED. Yes.

Mr. HAYDEN. What area of land is the Florence diversion dam supposed to serve?

Mr. REED. That is 62,000 acres.

Mr. HAYDEN. How much of that area is Indian land and how much of it is land belonging to white people?

Mr. REED. Thirty-five thousand acres Indian land and 27,000 acres white land.

Mr. HAYDEN. The majority of the land to be served is Indian land?

Mr. REED. Yes, sir.

Mr. HAYDEN. What will be the advantage to the Indians by reason of the construction of the Florence diversion dam?

Mr. REED. There is a portion of their area that can not be reached by the other dam, and, in addition to that, there are times when there is a good flow of water at the proposed head of the upper dam when there is none at the lower. The river bed, which varies from 1,500 to 2,500 or 3,000 feet in width, is composed of sand and gravel, and absorbs a large flow of water, taking it into the underground strata. This upper diversion will place it in a canal constructed through hard and very nearly impervious material, and will enable them to have a flow of water for their use at times when they could not get it were they dependent entirely upon the lower dam.

Mr. HAYDEN. It will therefore be of material advantage to the Pima Indians to have the benefit of the construction of this diversion dam above Florence?

Mr. REED. It will.

Mr. HAYDEN. The money appropriated for the construction of the Florence Dam has been available for some time. Why has it not been constructed?

Mr. REED. The provision in the law that makes it necessary that the holders of the lands and owners of the old water rights and ditches enter into an agreement with the Government, so as to make the project feasible, the feasibility of it being left to the discretion of the Secretary of the Interior. This contract was not entered into until recently.

There are two units of white people existing under this dam and canal. They did not seem to be able to get together on any scheme until the spring of this year, when they did get together and met with the representatives of the Interior Department, and all together worked out a form of contract, and the contract was submitted to the Secretary and approved. After this a representative of the department went to the field, and has already succeeded in signing up between 85 and 90 per cent of the land ownership and property ownership under contract.

Mr. HAYDEN. It might be well, Mr. Chairman, at this point to insert a copy of that contract.

Mr. REED. Very well. I have not one with me, but I can get it.

The CHAIRMAN. All right; it is so ordered.

These are the same reasons set out by the Army engineers recommending this project.

Mr. MERITT. I understand there have been recent agreements there.

Mr. HAYDEN. The form of contract appears in that hearing, which sets forth that the control of the irrigation system is to be in the hands of the Secretary of the Interior so that the Indian rights are fully protected by law.

The CHAIRMAN. The other question is the condition the Indians are in. Are any considerable number of the Indians or whites in such condition that they could begin to pay for the water?

Mr. HAYDEN. Under the provisions of the act authorizing the construction of this project the white people are compelled to immediately proceed to pay just as on other reclamation projects. The term of payment is 20 years. You will find that provision in the law.

The CHAIRMAN. In 20 years?

Mr. HAYDEN. Yes.

The CHAIRMAN. Are there any whites there now using water that they have used for a considerable length of time?

Mr. HAYDEN. The white farmers have been using water in Pinal County for over 40 years when they can get it from the Gila River. They have depended upon brush dams to divert the water just like the Indians.

The CHAIRMAN. Are there any whites or Indians now there who have water supplied to them to-day so that we could begin to collect money from them at once?

Mr. HAYDEN. There is no reason why as soon as water is available for their lands that the white men should not begin to pay. They have had water from their own canals when there was any, but we place them under a unified irrigation system with a permanent head-ing which will give them all a better supply of water.

The CHAIRMAN. These two schemes you have in mind are really the commencement of a new and large irrigation project?

Mr. HAYDEN. It is the commencement of a scheme that will control the floods of the Gila River for the benefit of 62,000 acres of land, of which 27,000 are white lands and 35,000 acres are Indian lands. I can illustrate the matter better by showing you on the map here [indicating map].

The Florence diversion dam is located across the Gila River as it comes out of the mountains. The lands of the white people extend between Florence and the Pima Reservation lands. Here are the Indian lands. There is an agreement between the white owners and the Indian Service that 27,000 acres of land belonging to the white people shall be served and 35,000 acres of Indian lands, by the diversion of water at this point above Florence.

The other dam mentioned in the bill is to be located above Sacaton at the point of the mountain [indicating] and will divert water for lands on the Indian reservation. One could imagine that it might have been cheaper to construct another canal on the north side of the river so it would not be necessary to build the Sacaton Dam, but the mountain comes close to the river and a heavy rock formation is encountered.

Mr. REED. It would cost \$100,000 more to build a canal on the north side of the river from Florence to Sacaton than to build the Sacaton Dam.

The CHAIRMAN. Where do the Indians get water?

Mr. HAYDEN. By diversion from the stream by their small canals.

The CHAIRMAN. Above there are people who take water so you would not get much of any water in certain seasons.

Mr. HAYDEN. The impounding dam is to be located just below San Carlos in a box canyon, but that is a larger scheme dependent upon future appropriations by Congress.

The CHAIRMAN. Does that come under our appropriation here?

Mr. HAYDEN. No. The Indian Committee might appropriate for it now if they so desire.

The CHAIRMAN. They might, but won't.

Mr. HAYDEN. The only connection between these diversion dams and future storage on the Gila River is that if stored water was liberated from the reservoir it could be diverted by such dams. These two diversion dams are recommended by the Army engineers and by the Indian Office engineers as meritorious, entirely feasible, and worth the money to be appropriated regardless of whether the storage reservoir at San Carlos is ever constructed or not.

Mr. MERITT. I think it would be very beneficial to the Pima Indians to build the lower dam for two reasons, first, the lower dam serves the Pima Indians exclusively, and it also provides a bridge across that treacherous Gila River. That is almost an absolute necessity for those Indians. The upper dam is also essential to the Pima Indians, but it is not strictly an Indian project, as has been

pointed out. This upper dam will serve 35,000 acres of Indian lands and 27,000 acres of white lands. I suggest that we build the lower dam, \$150,000, and also build the upper dam, which is \$75,000; and eliminate the \$100,000 for laterals for this next year. That would only increase the proposed appropriation \$50,000 and we would get both dams. We very much need that lower dam for the exclusive use of the Pima Indians.

The CHAIRMAN. That sounds feasible, but what is the estimate of the total expenditure to put in this system?

Mr. MERITT. There will be a very large amount of money necessary to complete all of the laterals after these dams are constructed.

The CHAIRMAN. What would you say that very large amount of money would be?

Mr. MERITT. Nearly a million dollars.

The CHAIRMAN. A million dollars, including the amount for which you are now asking and the amount already appropriated?

Mr. MERITT. Yes, sir.

The CHAIRMAN. How many Indians would that serve? Give us the statistics with regard to what this million dollars would do; how many acres of land it would serve.

Mr. MERITT. The million dollars will irrigate 35,000 acres of Indian lands and 27,000 of white lands.

The CHAIRMAN. That would contemplate combining both of these projects into one system?

Mr. MERITT. Yes, sir.

The CHAIRMAN. What does your suggestion contemplate?

Mr. MERITT. My suggestion is to build the lower dam which is an absolute necessity for the Pima Indians and for the exclusive benefit of the Indians. No white man would benefit by that appropriation.

The CHAIRMAN. How much do you want for that particular dam in addition to what is available?

Mr. MERITT. \$150,000 additional, and you could build the upper dam for an appropriation of \$75,000 additional and let the laterals go, because we already have \$50,000 available for that purpose.

The CHAIRMAN. You would ask for the two projects \$225,000?

Mr. MERITT. Yes. It would be very much better for the Pima Indian than simply to provide \$175,000 for the upper dam.

The CHAIRMAN. What has already been appropriated?

Mr. MERITT. There has already been appropriated for the lower dam \$250,000, which is now available, and we only need an additional \$150,000 to construct the project.

The CHAIRMAN. That would bring us up to \$475,000 if this appropriation were in plus the amount originally appropriated for the upper item?

Mr. MERITT. There has been appropriated \$175,000 for the upper item, the dam, and we need an additional amount of \$75,000 to complete that.

The CHAIRMAN. Without the \$75,000 there will be appropriated, if this \$225,000 goes in, \$650,000, and you say \$75,000 more for the completion of the upper dam; that would be \$725,000, so there would be left only to complete the scheme, if it went to a million dollars for completion, \$225,000. When would you ask for that?

Mr. MERITT. We will ask for that next year; not this year.

The CHAIRMAN. The only thing against what Mr. Rhodes says, as a matter of policy, is that there have already been enacted laws for these purposes and certain moneys appropriated.

Mr. RHODES. I concede that.

The CHAIRMAN. It is really an Indian project, and it strikes me that the best suggestion that has been made is that one made by Mr. Meritt, if the proposition to eliminate all of it for this year is not a better one.

Mr. MERITT. I know, Mr. Chairman, that my suggestion is better for the Indians. I am looking at it largely from the interest of the Indians and also from the interest of the white people.

The CHAIRMAN. In case we should grant that, when would you estimate under our new system of collections that reimbursements on the project should begin?

Mr. MERITT. They could begin immediately as soon as the land is placed under cultivation, and that land should be placed under cultivation within the next two years if the appropriation is made for the laterals to be constructed.

The CHAIRMAN. Of course, if we do this now we should certainly have to do the other and complete it.

Mr. HAYDEN. There is no question about the ability of the water users to commence to pay the cost as soon as they get the water, because both white people and Indians there are practical farmers and stand ready to do business.

The CHAIRMAN. I am inclined to consider Mr. Meritt's suggestion. How would that leave the first item?

Mr. MERITT. That would leave it as it is before the elimination of the \$225,000, in line 15, down to and including the end of line 19.

The CHAIRMAN. As I understand, the appropriation would amount to \$225,000?

Mr. MERITT. Yes, sir.

Mr. HAYDEN. Mr. Meritt's suggestion is to strike out the remainder of line 15, all of lines 16, 17, 18, and 19, including the figures, "\$350,000," leaving the words "and remain available until expended"?

Mr. MERITT. That will get the thought I had in mind.

The CHAIRMAN. How much is appropriated in this?

Mr. HAYDEN. \$75,000.

The CHAIRMAN. I am not willing, but I consent.

Mr. MERITT. Thank you, very much. That will materially benefit the Pima Indians.

Mr. RHODES. What is done with the preceding paragraph?

The CHAIRMAN. That \$150,000 item remains the same as it is.

Mr. RHODES. The paragraph on page 30, line 20, ending with line 8, page 31.

The CHAIRMAN. It remains exactly the same. We will complete that dam up there and then we give \$750,000 in the item below.

Mr. RHODES. You do more than that. You increase the maximum amount of money to be expended under existing law, repealing the existing law, and authorizing an expenditure of \$400,000 in lieu of \$250,000 for the same purpose.

Mr. HAYDEN. Because \$250,000 has been heretofore appropriated, and the limit of cost was fixed at \$250,000. The Indian Service can not do the work for that sum so we have appropriated \$150,000 addi-

tional, and therefore have to raise the limit of cost. It follows as a matter of mathematics.

The CHAIRMAN. We will read from line 22, page 31.

For the construction of a telephone line between the Sells Agency and Tucson, Ariz., on the Papago Indian Reservation, in Arizona, \$17,000, to be immediately available and to remain available until expended.

Mr. MERITT. We offer for the record the following justification:

TELEPHONE LINES, SELLS AGENCY TO TUCSON, ARIZ.

The San Xavier (now Sells) Indian Agency, which was formerly located about 9 miles from Tucson, Ariz., has been moved to Sells, Ariz., where a new agency plant has been erected and where the Indian Oasis day school is situated. The removal of the agency to Indian Oasis was made necessary by reason of the fact that the Papago Indian Reservation was enlarged by Executive order of January 14, 1916, which called for more central headquarters for the administration of the affairs of the Papago Indians, numbering 5,237, whose reservation comprises an area of over 2,000,000 acres. At present there are no means whereby communication may be had between the Sells Agency and Tucson, a distance of approximately 60 miles, other than a triweekly mail delivery and by special messengers. All Indian agencies located at remote distances from railroad and telegraph points have telephone facilities, which are absolutely necessary for the proper conduct of Government business.

In order that the Sells Agency may be in close touch with the department, intermediate points on the reservation, and business centers at all times, it is very necessary that a telephone line be constructed at the earliest moment between Sells and Tucson, Ariz. The construction of a telephone line will not only result in the expeditious handling of Government business, but will be the means of protecting the lives of employees, Indians, and others of the reservation, and Government and Indian property in the event of disturbances along the Mexico border, which is without protection for a distance of approximately 75 miles on the reservation.

The CHAIRMAN. How long has the reservation been existing without a telephone system?

Mr. MERITT. A great many years.

The CHAIRMAN. It will not be any worse for another year than it has been for so many years. While I do not see how anybody can get along without a telephone system, yet in view of the fact, as has been stated so many times, that we must economize, it does seem to me as though Mr. Sells might drop in there on one of his occasional "unannounced" visits without announcing it from Tucson by telephone.

Mr. MERITT. Of course, the agency has been removed out further from the railroad.

Mr. HAYDEN. The estimate for this telephone line did not entirely originate with the Indian service. At the time of the Mexican border troubles there were troops stationed along the border and there was no way of communicating with them. My recollection is that it was originally suggested that if this telephone line was constructed from Tucson in a southwesterly direction toward the border, the end of the line would be near where the troops were stationed, and give them a better means of communication.

Mr. RHODES. You could not justify the installing of a telephone system for the use and benefit of the public upon such conditions as would make the Indians liable to pay it, could you? If this is necessary in the administration of Indian affairs and necessary for the Indians, then if we had the money to appropriate it would be all right to do it and let them pay for it. I do not see how we can

justify putting that in for the benefit of the public in connection with the Military Establishment, for the benefit of the Indians.

The CHAIRMAN. The item is subject to a point of order and would never get it in in the present state of mind of the public and I think we might as well strike it out.

The CHAIRMAN. Mr. Hayden has a matter to bring up.

Mr. HAYDEN. I introduced two bills, which I had referred to the Department of the Interior, with respect to the investigation of road construction across the Papago Indian Reservation in Arizona, and a road across the Fort Apache and San Carlos Indian Reservations.

I want to present these two bills with the reports by the department, and when we come to the consideration of the bill by the committee, as a whole, I shall call them up and have the privilege of discussing them.

The CHAIRMAN. It is so ordered.

(The bills with the accompanying reports are as follows:)

[H. R. 8325, Sixty-sixth Congress, first session.]

A BILL To authorize a report upon the necessity for the construction of a road across the Fort Apache and San Carlos Indian Reservations, Ariz.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of \$3,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Interior to make an investigation of the conditions on the Fort Apache and San Carlos Indian Reservations, in Arizona, with respect to the necessity of constructing a road between Springerville and Globe, across said reservations, and the said Secretary is hereby authorized and directed to cause plans, surveys, and reports to be made, together with an estimated limit of cost of said road, and to submit his report thereon to Congress on the first Monday in December, 1919, which report shall include a recommendation by the said Secretary as to what proportionate part of the cost of the construction and maintenance of said road should be paid by the United States on behalf of the Apache Indians of said reservations.

DEPARTMENT OF THE INTERIOR,

Washington, September 4, 1919.

MY DEAR MR. SNYDER: This will refer further to your note of August 8, transmitting, for report and recommendation, a copy of H. R. 8325, proposing an appropriation of \$3,000 for the purpose of making an investigation as to the necessity of constructing a road between Springerville and Globe across the Fort Apache and San Carlos Indian Reservations, and to your letter of August 18, requesting certain information with respect to the resources and income of the two reservations named.

The Commissioner of Indian Affairs informs me that no information is available at this time in his office with respect to this road, nor as to what, if any, portion of the cost thereof should be charged against the Indians of the two reservations named; therefore, I shall be glad to see H. R. 8325 enacted into law, in order to provide funds for making the investigation and report contemplated thereby. However, I think \$2,000 would be enough for this purpose.

Pursuant to your request of August 18, I attach hereto a memorandum giving the desired information relative to the Fort Apache and San Carlos Reservations.

Under the circumstances, I recommend that the bill, if amended in conformity with the above suggestion, receive the favorable consideration of your committee and of Congress.

Cordially, yours,

F. K. LANE, *Secretary.*

HON. HOMER P. SNYDER,

Chairman Committee on Indian Affairs,

House of Representatives.

General statistics.

Reservation.	Area (acres).	Popula- tion.	Value of timber.
Fort Apache.....	1,743,130	2,466	\$3,000,000
San Carlos.....	1,834,187	2,623	603,250
Total.....	3,577,317	5,089	3,603,250

Kind of land.

Reservation.	Agricul- tural.	Grazing.	Timber.	Other.	Total.
	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>
Fort Apache.....	3,150	1,690,370	40,000	9,610	1,743,130
San Carlos.....	2,075	1,536,565	288,706	6,841	1,834,187
Total.....	5,225	3,226,935	328,706	16,451	3,577,317

Tribal income.

Year.	Fort Apache.	San Carlos.	Total.
1915.....	\$52,681.87	\$68,915.76	\$121,597.63
1916.....	57,953.28	99,408.07	157,361.35
1917.....	87,623.91	156,222.29	243,846.20
1918.....	100,504.92	115,138.55	215,643.47
1919.....	116,871.90	145,065.14	261,937.04
Total.....	415,635.88	584,749.81	1,000,385.69

No mineral survey has ever been made of these reservations, so far as shown by the records of the United States Geological Survey.

[H. R. 8326, Sixty-sixth Congress, first session.]

A BILL To authorize a report upon the necessity for the construction of a road across the Papago Indian Reservation, Ariz.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of \$3,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Interior to make an investigation of the conditions on the Papago Indian Reservation, in Arizona, with respect to the necessity of constructing a road between Ajo and Tucson, across said reservation; and the said Secretary is hereby authorized and directed to cause plans, surveys, and reports to be made, together with an estimated limit of cost of said road, and to submit his report thereon to Congress on the first Monday in December, 1919, which report shall include a recommendation by the said Secretary as to what proportionate part of the cost of the construction of said road should be paid by the United States on behalf of the Papago Indians.

DEPARTMENT OF THE INTERIOR,
Washington, September 29, 1919.

MY DEAR MR. SNYDER: This will refer further to your letter of August 18, transmitting, for report and recommendation, a copy of H. R. No. 8326, proposing an appropriation of \$3,000 for the purpose of making an investigation as to the necessity for the construction of a road between Ajo and Tucson, on the Papago Indian Reservation in Arizona, and of preparing plans, surveys, and estimates therefor.

The Commissioner of Indian Affairs informs me that he has had considerable correspondence with Mr. E. B. Moore, of Tucson, in regard to this matter, culminating in Mr. Moore's letter to him of July 29, 1919, from which the following extract is quoted for your information:

"By the plan adopted at a meeting here on Monday of this week between officials of this county and of Yuma County, an account of which I am appending to the reverse side of this letter, you will see that it is a settled fact that the road is to be built connecting this city with Yuma and the California highway, via Ajo. The route to be followed will run northward along the Southern Pacific Railroad tracks from this city toward Ajo, so as to go around the reservation northward, because it can not go through the reservation. This route will be longer by 15 or 20 miles than if it ran through the reservation, as I have been trying to impress upon you that it should go. Besides, the road by the route now intended will have to be built all the way, whereas, if the route could go through the reservation, 30 miles of it is already built.

"You suggested in your letter that you thought the State and county should bear a part of the expense of building this proposed road. I want to assure you that if your department will give assurance that you will cooperate with the State and county financially, and that you will do so in time to stop the work by the longer route where so much more road will have to be built, that our county and State funds will be gladly drawn upon very largely for the building of this road."

No detailed survey has been made for this road so far as known, and the Indian Service has not sufficient available funds for this purpose; therefore, I recommend that the bill receive the favorable consideration of your committee and of Congress, provided the amount is reduced to \$2,000, which I believe will be sufficient.

So far as concerns the ability of the Papago Indians to reimburse the Government for any money that might be appropriated by Congress for the construction of this road, I may say that this reservation is inhabited by approximately 4,465 Indians who reside in a desert country, where they struggle for existence against tremendous odds and in the face of difficulties that would discourage any but the stoutest-hearted of the white race. Nevertheless, the tribe is entirely self-supporting, no rations being issued by the Government to any of the members thereof. They have no tribal resources in the way of minerals, timber, or funds on deposit in the United States Treasury, and no annual revenues accrue to their credit as a tribe; therefore, I seriously question the advisability of requiring the Indians to reimburse the Government should such an appropriation be made, as there would be no tribal funds available for this purpose.

Pursuant to your request, I attach hereto, for your further information, a tabulated statement giving various statistics with respect to the Indians and their reservation; also, in conformity with your request, I have asked the Secretary of War for a report as to whether the construction of the proposed road would be of strategic value for the movement of troops along the Mexican border, and upon receipt of his reply will be glad to furnish you with a copy of same.

Cordially, yours,

F. K. LANE, *Secretary.*

HON. HOMER P. SNYDER,

*Chairman Committee on Indian Affairs,
House of Representatives.*

Papago Reservation statistics.

Kind of land.	Allotted.	Unallotted.	Total.
	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>
Agricultural.....	3,500	16,000	19,500
Grazing.....	35,545	2,703,514	2,739,059
Timber.....	2,560	2,560
Total.....	2,761,119

Papago Reservation statistics—Continued.

INDIANS FARMING.

Kind.	Number.	Acreage.	Value of crops.
Allotted.....	90	1,500	\$66,538
Unallotted.....	1,200	16,000	72,660
Total.....	1,290	17,500	139,198

OTHER INDUSTRIES.

Occupation.	Number of Indians.	Value.
Live stock.....	3,340	\$1,588,000
Basket making.....	750	15,000
Woodcutting.....	400	45,000
Pottery and others.....	50	1,500
Total.....	1,200	61,500

DEPARTMENT OF THE INTERIOR,
Washington, November 5, 1919.

MY DEAR MR. SNYDER: This will refer to that portion of your letter of August 18, 1919, relative to H. R. 8326, requesting information as to whether the proposed road from Tucson to Ajo, across the Papago Indian Reservation in Arizona, would be of any strategic importance in connection with troop movements along the Mexican border.

Pursuant thereto, I made inquiry of the Secretary of War in the matter and attach for your information a copy of his reply, stating that "such a road would be of great military value for the movement of troops and supplies along this part of the Mexican border." You will note the Secretary of War also suggests that a branch road be constructed from a point east of Indian Oasis southeast through the Baboquivari Range and connecting with a road which the county proposes to build from Nogales to Arivaca, so that Ajo will be connected with both Tucson and Nogales, as shown on the attached map.

Cordially yours,

FRANKLIN K. LANE, *Secretary.*

HON. HOMER P. SNYDER,

Chairman, Committee on Indian Affairs, House of Representatives.

WAR DEPARTMENT,
Washington, October 10, 1919.

THE SECRETARY OF THE INTERIOR.

MY DEAR MR. SECRETARY: Referring to your letter of September 29 concerning the military value of a road which your department proposes to construct from Tucson to Ajo, Ariz., passing through the Papago Indian Reservation, I beg to inform you that such a road would be of great military value for the movement of troops and supplies along this part of the Mexican border.

In the past several attempts have been made by Mexicans who crossed the border to spread discontent and dissatisfaction among other Mexicans employed in the mines near Ajo and Arivaca. Attempts have also been made to smuggle ammunition into Mexico by a route leading southwest from Tucson and passing to the west of Arivaca.

To prevent and to intercept such attempts, detachments have been established at Ajo and Arivaca, Ariz. These detachments are based on Nogales. In order to facilitate the movement of troops and supplies between Nogales and Arivaca, and the movement of troops between Arivaca and Ajo, a through route from Nogales via Arivaca and Secundino to Ajo is very desirable.

It is understood that the county of Santa Clara, Ariz., has undertaken the construction of a road from Nogales via Calabasas to Arivaca. This road it is

proposed to extend through the Baboquivari Range into the Papago Indian Reservation.

I would therefore suggest that, in addition to the Tucson-Ajo road herein proposed, a branch road be also projected, starting from a point east of Indian Oasis, proceeding southeast through the Baboquivari Range, and connecting up with the road to Arivaca. In this way Ajo will be connected with both Tucson and Nogales. The proposed extension is indicated on the map which is returned herewith.

Very sincerely, yours,

NEWTON D. BAKER,
Secretary of War.

Mr. MERITT. Under "Arizona" there is one item inadvertently omitted, and I would like to bring it to the attention of the committee and have the item and justification placed in the record.

The item is as follows:

For the purchase of land for the Navajo Tribes in the States of New Mexico and Arizona, \$100,000; to remain available until used, and to be expended under the direction of the Secretary of the Interior; reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Navajo Indians in the States of New Mexico and Arizona, and to remain a charge and lien upon the lands and funds of said tribe of Indians until paid: *Provided*, That not exceeding \$10,000 of the appropriation may be used in the discretion of the Secretary of the Interior in leasing grazing lands for the benefit of the said Indians.

The CHAIRMAN. The clerk will insert the item.

Mr. MERITT. We offer for the record the following justification:

There are probably 7,000 or more Navajo Indians living on the public domain in New Mexico and Arizona. These Indians have gained their livelihood mainly by raising sheep and cattle, and they are attempting to use the ranges their sheep and cattle have grazed over for many Indian generations. Between 3,000 and 4,000 of these Indians are scattered over the townships in and about the jurisdiction of the Pueblo Bonito Agency at Crown Point, N. Mex. Other large numbers live away south and east of the Zuni Reservation. Others live in Arizona south of the Moqui Reservation. The affairs of these public-domain Navajoes for many practicable purposes must be considered as being apart from that of the reservation Indians of that tribe. Some of these Indians at times, no doubt, visit their tribesmen on the reservation, but their main interests in life lie outside thereof, where they have always lived.

It is well known that until recent years these Indians have had comparatively little opposition in grazing their stock on the public domain. At this time, however, their old grazing grounds are being encroached upon by cattlemen, purchasing and leasing railroad grant land, and by entries under the stock-raising act. Some of the Indians, by pooling their resources, have managed to make some small leases, but the demand for such leases by outside interests has caused some increases in the cost of the leases, which the Indians in many cases have been unable to pay.

Approximately 6,000 Navajoes have been allotted on the public domain in the two States in areas of 160 acres of grazing lands. The character of the land, however, makes it impossible except in isolated cases for these Indians to make a living on their allotments by its use for agricultural purposes, and even a section of such land affords little grazing.

The appropriation is urgently needed to help these worthy Navajo Indians who have in the past been able to live without much help, if any, from the Government. They must of necessity now be given some advance financial assistance or they will be driven to desperation by encroachments on their grazing grounds. They can not be forced back onto the reservation, which is now overgrazed, and will not support the herds of the Indians now on the public domain. We should not permit these Indians to be seriously crippled in their brave attempts at self-support.

The Navajo Indians of the public domain have a tribal interest in the timber and mineral resources of the reservation proper, the timber valuation being estimated at several millions of dollars. They will therefore have sufficient funds at some time in the future to reimburse the United States for the proposed advance of funds.

These Indians are very deserving Indians who are making a brave attempt to earn their own living on the arid lands of Arizona and New Mexico.

The CHAIRMAN. I want the assistant commissioner to realize that we have got to make a brave attempt, if you add a new demand for \$100,000, to justify that in face of the cry to cut everything down.

Mr. MERITT. We will concede later on in the bill a reduction of \$100,000 on certain items if you will permit this item to go in the bill. This will benefit the Indians who are as deserving as any other Indians in the United States and who do not ask the Government for gratuities. These Indians support themselves, and they simply want an opportunity so that they can make their own living.

The CHAIRMAN. Wherein can we arrange to have the money reimbursed?

Mr. MERITT. It will be some little time, speaking frankly with the committee, before this money will be reimbursed. The Navajo Indians own timber interests and very valuable coal interests and their property is worth a great many million dollars, and every cent of this money will be returned.

The CHAIRMAN. Have they got considerable tribal funds now?

Mr. MERITT. No, sir.

Mr. HERNANDEZ. They have none.

The CHAIRMAN. I am willing to let it go into the bill for the purpose of a primary hearing and let the committee determine eventually when the whole committee are here as to whether it is a proper item to go in or not.

Mr. HAYDEN. I think that would be proper, Mr. Chairman.

The CHAIRMAN. Do you think that should go in as an item under Arizona and New Mexico?

Mr. HAYDEN. I would want to look into this proposal a little further, because it is new to me.

The CHAIRMAN. It is new to me.

Mr. MERITT. I have a large file showing additional information about this subject, with a full justification for it.

The CHAIRMAN. We will recess now and meet again at 2 o'clock.

(Thereupon, the subcommittee, at 1 o'clock p. m., took a recess until 2 o'clock p. m.)

AFTER RECESS.

(The committee reassembled at 2.30 o'clock p. m., pursuant to recess.)

The CHAIRMAN. Gentlemen, we will come to order and proceed with the hearing.

STATEMENT OF MR. E. B. MERITT—Resumed.

The CHAIRMAN. Have you put in all the memoranda that you wish to in the hearing, Mr. Meritt?

Mr. MERITT. Yes, sir.

The CHAIRMAN. We will start on page 32, the California items. The clerk will read.

(The clerk read the section as follows:)

CALIFORNIA.

SEC. 3. For support and civilization of Indians in California, including pay of employees, \$50,000.

Mr. MERITT. We offer for the record the following justification:

Support of Indians in California.

Fiscal year ending June 30, 1920, amount appropriated.....	\$42,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated.....	42,000.00
Amount expended.....	41,243.65
Unexpended balance.....	756.35
Analysis of expenditures:	
Salaries, wages, etc.....	17,470.30
Traveling expenses.....	2,485.43
Transportation of supplies.....	634.84
Telegraph and telephone service.....	304.27
Stationery, printing, schoolroom supplies.....	37.45
Subsistence supplies.....	5,845.64
Dry goods, clothing, etc.....	119.08
Forage.....	1,518.93
Fuel, lubricants, power and light service.....	3,769.32
Medical supplies, etc.....	2,037.68
Equipment and miscellaneous material.....	4,197.93
Miscellaneous.....	717.95
Outstanding liabilities.....	2,104.83
Total.....	41,243.65

This item is for the general support and civilization of the Indians of California, and is \$8,000 in excess of the amount allowed for the fiscal years 1919 and 1920. The increase is justified on the following grounds:

The Indian population of California is 16,215, an increase of 490 over last year. The affairs of the Indians are supervised by 12 superintendents, 4 of whom have jurisdiction over a total of 30 small mission reservations in southern California. By reason of the scattered location of the mission reservations the expense of administering the affairs of the Indians thereon is naturally greater than it would be were they in closer proximity to agency headquarters.

The work of caring for approximately 2,000 scattered Indians in northern California, who were formerly under a special agent at Roseburg, Oreg., is now intrusted to the superintendent of the Greenville School by reason of the abolishment of the Roseburg Agency. This has greatly increased the cost of administration at Greenville. Owing to the small support fund it has been found impossible to allot that agency sufficient funds therefrom to carry on the work in a proper manner during the fiscal year 1920.

Most of the nonreservation Indians of California are very poor, depending largely upon irregular labor for a living. While some of them have been allotted on the public domain or live on home sites bought by the Government, a large number are without land holdings and look to the Government for help. Reference to the analysis of expenditures will show that nearly \$6,000 was expended for subsistence, clothing, etc., for issue to needy Indians in 1919.

The Indians of the mission reservations who are engaged in agriculture rely upon the gasoline pumping plants installed thereon for water for irrigation, as crops can not be raised without water, and it often becomes necessary to deny worthy requests for funds for the operation of these pumps.

Efforts are being made to see that the Indians adopt methods of cultivation which will bring about the best results and that leases are made which will award them the greatest returns. This requires supervision by the Government. It is also necessary to afford Indians protection against trespass and stock depredations.

The analysis of expenditures indicates how the appropriation was expended during the fiscal year 1919. The employees are necessary for the purposes of supervision, and as the reservations are widely separated much time and money must be expended in traveling. A large proportion of the appropriation, it will also be noted, is used in the purchase of medical supplies, farming equipment, and miscellaneous materials.

The California Indians have no tribal funds of any consequence, and therefore this appropriation is largely depended upon to meet the administration expenses of the 12 agencies and to provide for the wants of the Indians.

Owing to the insufficiency of the support fund for carrying on the work of the California Indians it has been found absolutely necessary at times to supplement it with funds from the appropriation "General expenses, Indian Service."

The additional amount requested is urgently needed for the proper administration of the affairs of the California Indians and to hasten the time when they will become self-supporting through industrial activities, same being severely handicapped now by reason of insufficient funds.

The CHAIRMAN. Can you give us concisely why you want that \$8,000 increase? It will be unnecessary, since the justification is in the record, to read it all.

Mr. MERITT. We have between 15,000 and 20,000 Indians in California under the jurisdiction of the Interior Department. Those Indians are, as a rule, very poor and have no funds in the Treasury to their credit. There is a large call upon the Government to aid the Indians of California, and we find that with the small appropriation we have not been able to meet their needs. This is only a slight increase and does not at all correspond to the general increase in the cost of goods and supplies that we purchase for those Indians.

The CHAIRMAN. I am disposed not to increase the item over last year, and I would like to hear the sentiment of any other member of the committee with regard to it. It is purely a gratuity item, and in my judgment ought not to be increased over last year unless there is an absolute emergency.

Mr. DALLINGER. I move that it be the same as last year.

The CHAIRMAN. If there is no objection, the motion of the gentleman from Massachusetts will prevail. It is so ordered. It will be reduced to the same amount as was appropriated last year. The clerk will read the next item.

(The clerk read the next item, as follows:)

For the purchase of lands for the homeless Indians in California, including improvements thereon, for the use and occupancy of said Indians, \$20,000, said funds to be expended under such regulations and conditions as the Secretary of the Interior may prescribe.

Mr. MERITT. We offer for the record the following justification for this item:

Purchase of lands for landless Indians in California.

Fiscal year ending June 30, 1920: Amount appropriated.....	\$20,000
Fiscal year ended June 30, 1919:	
Amount appropriated.....	20,000
Amount expended.....	13,123
Unexpended balance.....	6,877
Analysis of expenditures:	
Land.....	463
Abstracts of title.....	160
Outstanding liabilities (for land).....	12,500
Total.....	13,123

Prior to 1913, there had been expended \$144,470.45 in the purchase of 6,420 acres of land in behalf of 3,291 landless Indians of California. Between 1913 and the beginning of the present fiscal year there had been expended \$16,231.59 in the purchase of 1,317 acres for approximately 1,082 Indians. This makes a total expenditure of \$160,702.04 for the benefit of approximately 5,003 Indians. At the close of the fiscal year ended June 30, 1919, negotiations were pending for the purchase of three separate tracts, involving a total expenditure of \$15,950. One of these purchases has been fully consummated, and it is believed that

the other two will be completed. The records of this office show that the per capita expenditure for land purchased for the landless Indians of California is about \$15. There remain about 2,600 homeless Indians to be provided for, and upon a per capita basis of \$15 each it would require about \$39,000 for land alone, without any margin for expenses and incidentals. It is estimated that the appropriation asked for will meet the requirements of less than one-half of the homeless Indians, leaving the others to be provided for by future appropriations.

Mr. Chairman, this is the same amount that was appropriated last year.

The CHAIRMAN. I noticed in your page of statistics that you used only \$13,123 out of the \$20,000 appropriation.

Mr. MERITT. We have pending sales, but the titles have not been perfected, and for that reason we have not used all that money.

The CHAIRMAN. Now, those items of which you speak, are they included in the outstanding liabilities for land?

Mr. MERITT. No, sir; I think that money would revert to the Treasury, Mr. Chairman, because the sale was not completed prior to July 1.

The CHAIRMAN. You say the amount expended is \$13,123, and then of course the item of outstanding liabilities, \$12,500, is included in the amount expended, but it has not been actually spent by the bureau, and what I was at a loss to understand was whether or not those purchases covered by that amount had already been consummated, except that the money had not been paid?

Mr. MERITT. Yes, sir; we have completed the contract for the sale, which amounts to \$12,500, but there is a balance of \$6,877 that will probably go back into the Treasury of the United States.

The CHAIRMAN. Well, do you consider the policy carried out there in purchasing this land one of great service to the Indians?

Mr. MERITT. It is. We have been able to provide for those homeless Indians through this appropriation.

The CHAIRMAN. Are those Indians of a tribal relation who have always been cared by the Government?

Mr. MERITT. They live on small tracts of land and they are not congregated within a reservation.

The CHAIRMAN. Does the land belong to the Government or to the State of California?

Mr. MERITT. They formerly occupied public lands, but that land was taken up and they were driven farther back from civilization. As a result of that they are in a somewhat deplorable condition.

The CHAIRMAN. But it is a real legal responsibility upon the United States Government to care for these Indians, or it is upon the State of California?

Mr. MERITT. I think the responsibility is upon both the Federal Government and the State government.

The CHAIRMAN. I say the legal responsibility.

Mr. MERITT. The Government entered into treaties with the California Indians a great many years ago, and about that time gold was discovered and some unaccountable influence was brought to bear and those treaties were never ratified by the Federal Government, and the result of that failure to act on the part of the Federal Government was that these Indians were deprived of a large amount of lands which have subsequently proven to be of great value; there-

fore, there is, to my mind, a very strong obligation on the part of the Federal Government.

The CHAIRMAN. Who owns these lands which have become of great value?

Mr. MERITT. Those lands were taken up as homesteads and they have now gone into the hands of private owners.

The CHAIRMAN. How did that land get away from these Indians without the Indians being protected, if they were entitled to it?

Mr. MERITT. Because the treaties were never finally ratified, and therefore did not become effective.

The CHAIRMAN. Now, what I am trying to get at, is whether the State of California ought not to look after its own stragglers within the State, whether they are Indians or whether they are white people. How long should the Government continue to pay for the support and maintenance of these people if they are no longer a legal responsibility of the United States?

Mr. MERITT. We feel that there is an obligation on the part of the Federal Government to see that those Indians are provided with land on which to live. There is also an obligation on the part of California to help the Federal Government.

The CHAIRMAN. Do they do that? Do they help?

Mr. MERITT. Well they are to a limited extent helping. They are furnishing school facilities for the children of citizen Indians.

The CHAIRMAN. Suppose the Government should see fit to discontinue this appropriation entirely, would that not force the State of California to take the responsibility which belongs to it?

Mr. MERITT. I doubt if the State would appropriate money to purchase lands. After we have purchased lands for the remaining landless Indians, I believe it would be possible for us to work out a cooperative agreement with the State of California so they will, at least, bear part of the expense in educating the California Indians.

The CHAIRMAN. Then just one final question: How much longer do you anticipate we will have to continue to purchase lands for these Indians?

Mr. MERITT. I think that an appropriation for two or three years longer will be sufficient to buy lands for the remaining landless Indians.

The CHAIRMAN. Are there any other questions, gentlemen?

Mr. RHODES. Mr. Meritt, I observe you say that the treaty negotiated was never ratified. Do you know why it was not ratified?

Mr. MERITT. I could not speak with absolute certainty about that matter, but those of us in the Indian Service now have got the impression that strong pressure was brought to bear on Congress at that time because this land that was involved had proven to be very valuable for mineral purposes.

Mr. RHODES. Now, as a legal proposition, the failure of the ratification of the treaty would release the United States Government from any legal obligation, would it not?

Mr. MERITT. It might release the Government from the bare legal obligation.

Mr. RHODES. That is what I am talking about.

Mr. MERITT. But the moral obligations remain.

Mr. RHODES. Well, I have not raised the question of moral obligations; I think the chairman had in mind to determine the facts,

whether or not there were any unfulfilled legal obligations, or if we would be justified in making this appropriation in fulfillment of existing legal obligations. Now, if there are no existing legal obligations, the only justification we would have would be to fill a moral obligation. So am I safe in saying that I infer you put it upon moral grounds only and not upon the legal ground?

Mr. MERITT. Yes, sir; I am placing the question on the moral obligation of the Government to aid these Indians. I might also say that a large per cent of the funds carried in the Indian appropriation bill are based upon a moral obligation rather than upon a legal obligation.

Mr. HAYDEN. Mr. Meritt, was there not some proposal for co-operation, either by the State of California or by some association of citizens of California, headed by Mr. George Wharton James, to assist in advancing the material welfare and physical well-being of the California Indians?

Mr. MERITT. There was a proposition submitted to the Senate Indian Affairs Committee last year for a large appropriation for educating the California Indians, and also for a survey of the California Indian situation. We approve part of the request of the California organization, and part of the request we did not approve. It was finally understood that there would be a survey made by the Indian Bureau and a report later submitted to Congress.

Mr. HAYDEN. What were the California people to do as their part of the program?

Mr. MERITT. They wanted the Government to carry a good part of the burden, but I think that they were willing to cooperate in providing schools for those children. We are having that survey made now, and the report will be available before the close of this Congress, but that will not affect this particular item.

The CHAIRMAN. Is there anything further on this item, gentlemen?

Mr. RHODES. I am not in favor of retaining this item in the bill unless it is a matter of legal obligation. I believe I would be justified in saying that, too, not intending to go so far as to repudiate any moral obligation which might be fulfilled in the future, but at this particular time to put these things off just as long as possible under the circumstances; yet I do not want to be captious about it, but I am holding in mind the idea we arrived at before we started in on the consideration of the bill.

Mr. MERITT. We have bought land for over 5,000 Indians, and the Government has expended over \$160,000 for that purpose, and we are now in the closing up period of this work. Two-thirds of the Indians have been supplied with land, and it seems that inasmuch as two-thirds of the Indians have been supplied, that we might go ahead and complete the work and supply those remaining 2,600 with land.

Mr. RHODES. When was the first act passed by Congress authorizing the purchase of this land for the use of these particular Indians?

Mr. MERITT. May 27, 1902.

Mr. RHODES. Why has it been delayed?

Mr. MERITT. The appropriations have not been made regularly from year to year, and we have had considerable difficulty in perfecting titles for those Indians.

The CHAIRMAN. Just to give you a thought there, how many unclosed purchases have you now on hand?

Mr. MERITT. A very few; less than five.

The CHAIRMAN. Well, then, there would be no great damage done if there are only five in abeyance. If you have sufficient money to close them up there would be no great damage done if we did cut it out for a year and see if it could not be closed up.

Mr. MERITT. The appropriations already made will not be available for this year. They will only be available for the contracts for purchases that we have already made, and those are very few.

The CHAIRMAN. I notice you have \$6,000 unexpended balance. You don't think that could be used?

Mr. MERITT. No, sir.

The CHAIRMAN. You think that returns to the Treasury?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Well, suppose we reduce it to \$10,000, would that give you a sufficient amount of money to clean up the contracts in abeyance?

Mr. MERITT. That is such a small amount that we could not buy very much land for those Indians.

The CHAIRMAN. I am not speaking of buying any more land at present, but I am speaking of closing up the deals which are already in abeyance.

Mr. RHODES. What are these Indians doing with that land which is being purchased for them?

Mr. MERITT. They live on the lands and they work not only the land purchased, but they work for white farmers in the community in which they live.

Mr. RHODES. Does your report show they are making good and sufficient use of this property to justify the continued expenditures?

Mr. MERITT. Yes, sir.

Mr. RHODES. As I say, I would not be contentious about it. Are you willing to leave it at \$20,000, or do you want to reduce it to \$10,000?

Mr. DALLINGER. What is your idea, Mr. Chairman?

The CHAIRMAN. My idea is to reduce it to \$10,000.

Mr. DALLINGER. I make that motion.

The CHAIRMAN. Let them close up the items now in abeyance, and then if it can be shown at the beginning of another year that the property is being used to some advantage, as it doesn't go out of the bill entirely, we can raise it to \$20,000 if it seems necessary.

Mr. DALLINGER. I so move.

The CHAIRMAN. Unless there is objection, the item will be reduced to \$10,000, and the clerk will read.

(The clerk read the next item, as follows:)

For support and education of 700 Indian pupils at the Sherman Institute, Riverside, Calif., including pay of superintendent, \$142,600; for general repairs and improvements, \$15,000; in all, \$157,600.

Mr. MERITT. We offer for the record the following justification for this item:

Indian School, Riverside, Calif.

Fiscal year ending June 30, 1920: Amount appropriated-----	\$138, 600. 00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	128, 400. 00
Amount expended-----	127, 806. 75
Unexpended balance -----	<u>593. 25</u>

Analysis of expenditures:

Salaries, wages, etc.	\$44,277.43
Transportation of supplies	62.37
Telegraph and telephone service	197.93
Stationery, printing, schoolroom supplies	975.33
Subsistence supplies	28,216.39
Dry goods, clothing, etc.	12,570.54
Forage	1,372.93
Fuel, lubricants, power, and light service	12,214.81
Medical supplies, etc.	283.35
Live stock	4,718.85
Equipment and miscellaneous material	12,690.09
Miscellaneous	2,347.28
Outstanding liabilities	7,879.45
Total	127,806.75

REPAIRS AND IMPROVEMENTS.

Fiscal year ending June 30, 1920: Amount appropriated	\$15,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated	15,000.00
Amount expended	14,990.73
Unexpended balance	9.27

Analysis of expenditures:

Construction of buildings	3,961.48
Repair of buildings	8,216.72
Outstanding liabilities	2,812.53
Total	14,990.73

Statistical statement for year ending June 30, 1919.

Value of school plant (real property)	\$304,321
Number of buildings	60
Number of employees	65
Total salaries	\$47,640
Average attendance of pupils	505
Average enrollment	733
Capacity	700
Cost per capita based on enrollment	\$148
Cost per capita based on average attendance	\$215
Area of school land (acres cultivated)	110
Area of school land (acres)	150
Value of agricultural products	\$13,505
Value of other school products	\$7,869
Indian money, proceeds of labor (school earnings) expended	\$354

Superintendent's estimate of absolute needs for 1921:

Support	\$142,600
Repairs and improvements	15,000
New buildings	
Total	157,600

Requested in proposed bill for 1921:

Support and education of 700 Indian pupils at the Indian School and superintendent's salary	\$142,600
Repairs and improvements	15,000
New buildings	
Total	157,600

POSITIONS AND SALARIES, 1919.

Superintendent-----	\$2, 600	Girls' athletic director-----	\$720
Clerk-----	1, 200	Laundress-----	660
Do-----	1, 000	Baker-----	500
Assistant clerk-----	800	Cook-----	800
Do-----	800	Cook (school farm)-----	660
Physician (contract)-----	720	Cook-----	540
Disciplinarian-----	900	Do-----	500
Assistant disciplinarian-----	600	Farmer-----	950
Principal-----	1, 500	Carpenter-----	800
Teacher-----	720	Do-----	800
Do-----	780	Tailor-----	800
Do-----	72)	Shoe and harness maker-----	800
Do-----	60)	Blacksmith-----	800
Do-----	60)	Mason-----	800
Do-----	60)	Gardener-----	1, 000
Do-----	60)	Engineer-----	1, 200
Do-----	60)	Assistant engineer-----	600
Do-----	600	Printer-----	660
Teacher (school farm)-----	720	Band and musical instructor-----	800
Teacher-----	720	Outing agent-----	800
Domestic-science teacher-----	600	Assistant-----	460
Industrial teacher-----	720	Do-----	300
Outing matron-----	800	Do-----	300
Matron-----	900	Do-----	300
Assistant matron-----	660	Do-----	300
Do-----	600	Laborer-----	720
Do-----	600	Do-----	660
Do-----	600	Do-----	600
Do-----	600	Do-----	600
Do-----	600	Do-----	600
Do-----	520	Do-----	600
Dining-room matron-----	600	Do-----	600
Nurse-----	840		
Seamstress-----	660	Total-----	47, 640
Assistant seamstress-----	600		

The sum of \$142,600 for the support of Sherman Institute, Riverside, Calif., will provide for 700 pupils at \$200 per capita in addition to the superintendent's salary.

The amount requested for repairs and improvements, \$15,000—which is the same as for last year—will be needed for the proper upkeep of the school plant, comprising 60 buildings, the lighting and heating, sewer and water systems, two pumping plants, and an ice plant.

The CHAIRMAN. I think we are all pretty familiar with the Riverside school, and I doubt whether it was necessary to read the justification. It is one of the best schools we have.

There is just one thing I note here: You struck out from the "providing" down, \$20,000 you had the right to spend from Indian moneys, the proceeds of labor. What is going to become of the proceeds of labor this year?

Mr. MERITT. That money had been accumulating from year to year and it will be necessary for the superintendent to save part of that money out of this year's work in order to buy the land.

The CHAIRMAN. Well, I just wanted to know about that item. I think that slight increase in that item is justifiable in a plant as big as that.

Mr. MERITT. You will notice, Mr. Chairman, that we are increasing the capacity of this school from 680 to 700. We already have that capacity now.

The CHAIRMAN. If there is no objection, we will O. K. that item. The clerk will read.

(The clerk read the next item as follows:)

For reclamation and maintenance charge on Yuma allotments, \$70,365.07, to be reimbursed from the sale of surplus lands or from other funds that may be available, in accordance with the provisions of the Act of March 3, 1911 (36 Stat. L., p. 1063).

Mr. MERITT. Mr. Chairman, we offer for the record the following justification for this item.

Irrigating allotments, Yuma Reservation, Calif. (reimbursable).

Fiscal year ending June 30, 1920: Amount appropriated-----	\$131,564.94
Fiscal year ended June 30, 1919:	
Amount appropriated-----	15,000.00
Amount expended-----	15,000.00

Analysis of expenditures: To United States Reclamation Service for reclamation and maintenance charges on 7,488 acres-----	15,000.00
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Indian tribe, Yuma.

Number of Indians, 833.

Area of reservation, 33,771 acres.

Irrigation project started, 1904.

Work done by Reclamation Service, this being part of the Yuma project.

Area of irrigable land under project, 7,488 acres.

Area of irrigable land under constructed works, 4,318 acres.

Area actually irrigated, 4,318 acres.

Area of irrigable land cultivated by Indians, 1,318 acres.

Area of irrigable land cultivated by lessees, 3,000 acres.

Area of irrigable land cultivated by white owners, none.

Cost of construction to June 30, 1919, \$236,773.07.

Cost of operation, maintenance, and miscellaneous to June 30, 1919, \$12,432.

Operation and maintenance charges are not collected from water users.

Estimated additional cost to complete, \$92,338.40.

Estimated cost per acre when completed, \$55 and \$77.

Average value of irrigated land per acre, \$200.

Average annual precipitation, 3 inches.

Source of water supply, Colorado River.

Crops produced, alfalfa, wheat, long staple cotton, corn, dates, citrous fruits.

Market for products, general; good.

Distance from railroad, railroad through project.

Water rights for the Yuma allotments were purchased from the Reclamation Service under provision of the act of March 3, 1911 (36 Stat., 1063), at a total cost of \$444,818. This sum is being repaid in 10 annual installments, in addition to which provision must be made for the payment of the assessment of \$2 per acre per annum made by the Reclamation Service for operation and maintenance. The sum herewith requested is for the purpose of paying the annual installment covering construction, operation, and maintenance, plus about \$10,000 which the office is in arrears to the Reclamation Service on such payments.

Mr. HAYDEN. I notice that last year the amount was \$131,564.94. Was that because you were behind two years and made two payments at once?

Mr. MERITT. No, sir; the Reclamation Service reduced the period in which this payment could be made. It was for a period of 20 years, I believe, under our first contract.

Mr. HAYDEN. Ten years under your first contract; it is 20 now.

Mr. MERITT. No; it was 20 at first, and then it was reduced. They are paying more money now than they used to.

Mr. HAYDEN. You are paying less money. The amount appropriated last year was \$131,564; this year it is \$70,365.07.

The CHAIRMAN. And the year before that it was only \$15,000.

Mr. MERITT. That is what I am trying to explain to Mr. Hayden. The appropriation last year was very materially increased in order to catch up with the payments due the Reclamation Service. We had been making the payments on the basis of 20 years, and it is my understanding that that time was reduced to 10 years; therefore, that left a large balance due the Reclamation Service, and last year we came in and asked for that appropriation and got it. We are still behind some in our payments because of that new arrangement.

Mr. HAYDEN. I notice in your statement here that operation and maintenance charges are not collected from the water users. I notice further that there are cultivated by the lessees 3,000 acres; by Indians, 1,318 acres. If a white water user on the Arizona part of the project can pay operation and maintenance charges, why should not the white lessees pay operation and maintenance on the Yuma reservation?

Mr. MERITT. There is no reason why they should not.

The CHAIRMAN. They will commence to pay right now.

Mr. HAYDEN. Well, it seems to me that there is no reason in the world why that should not be required.

Mr. MERITT. We will require that under this new legislation.

The CHAIRMAN. I would just like one further bit of information. What part of the \$70,365 is operation and maintenance? That will give us an idea of how much you are going to pay on the scheme itself. According to the statement here, it says:

Water rights were purchased at a total cost of \$44,818. This sum is being repaid in 10 annual installments.

Mr. MERITT. That means that \$44,818 is paid on the construction.

The CHAIRMAN. Well, it will be, provided the maintenance and operation makes up the difference. That is why I am asking the question.

Mr. MERITT. This is not shown by our records.

The CHAIRMAN. Well, anyhow, the principal part of this is to pay for a project which has already been purchased, and it is an installment and is not for the purpose of increasing the size of the proposition or for further development. It is to pay for a development which already exists. Is that correct?

Mr. MERITT. It is to pay the Reclamation Service for work that they have already done, and we are under obligations to make these payments.

The CHAIRMAN. That is what I mean, and this provides for one of the 10 payments?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Well, that is satisfactory.

Mr. MERITT. We make a very fine showing on this project, Mr. Chairman, you will note.

The CHAIRMAN. I notice it.

Mr. MERITT. The area of irrigable lands under constructed works is 4,318 acres, and the area actually irrigated is 4,318 acres.

The CHAIRMAN. Well, this is one of your best.

(The clerk read the next item, as follows:)

For support and education of 100 Indian pupils at the Fort Bidwell Indian School, California, including pay of superintendent, \$24,000; for general repairs and improvements, \$5,000.

Mr. MERITT. We offer for the record the following justification for that item.

Indian school, Fort Bidwell, Calif.

Fiscal year ending June 30, 1920, amount appropriated-----	\$24, 000. 00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	21, 500. 00
Amount expended-----	21, 500. 00

Analysis of expenditures:

Salaries, wages, etc-----	10, 043. 84
Traveling expenses-----	60. 35
Transportation of supplies-----	490. 58
Telegraph and telephone supplies-----	47. 20
Stationery, printing, school room supplies-----	87. 50
Subsistence supplies-----	3, 835. 88
Dry goods, clothing, etc-----	2, 024. 49
Fuel, lubricants, power and light service-----	2, 357. 20
Medical supplies, etc-----	129. 41
Live stock-----	195. 00
Equipment and miscellaneous material-----	1, 928. 17
Miscellaneous-----	51. 13
Outstanding liabilities-----	249. 25
	<hr/>
	21, 500. 00

REPAIRS AND IMPROVEMENTS.

Fiscal year ending June 30, 1920, amount appropriated-----	\$3, 500. 00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	3, 500. 00
Amount expended-----	3, 500. 00

Analysis of expenditures:

Repair of buildings-----	3, 354. 51
Outstanding liabilities-----	145. 49
	<hr/>
Total-----	3, 500. 00

Statistical statement for year ending June 30, 1919.

Value of school plant (real property)-----	\$62, 859
Number of buildings-----	32
Number of employees-----	14
Total salaries-----	\$9, 300
Average attendance of pupils-----	54
Average enrollment-----	77
Capacity-----	98
Cost per capita, based on enrollment-----	\$241
Cost per capita, based on average attendance-----	\$344
Area of school land (acres)-----	3, 071
Area of school land (acres cultivated)-----	200
Value of agricultural products-----	\$2, 363
Value of other school products-----	\$222
Indian money, proceeds of labor (school earnings) expended-----	

Superintendent's estimate of absolute needs for 1921:

Support-----	\$30, 775
Repairs and improvements-----	\$3, 500
New buildings, dairy barn-----	\$5, 000
Milk, butter, and dairy building-----	\$1, 000
	<hr/>
Total-----	\$40, 275

Requested in proposed bill for 1921:

Support and education of 100 Indian pupils at the Indian school and superintendent's salary-----	\$24,000
Repairs and improvements-----	\$5,000
New buildings-----	
Total -----	\$29,000

POSITIONS AND SALARIES, 1919.

Superintendent-----	\$1,500	Clerk-----	\$720
Physician (contract)-----	720	Laundress-----	300
Teacher-----	660	Cook-----	500
Do-----	600	General mechanic-----	900
Laborer-----	600	Laborer-----	600
Matron-----	600	Do-----	600
Assistant matron-----	500		
Seamstress-----	500	Total -----	9,300

The sum of \$24,000 for support of the Fort Bidwell School, California, includes salaries of employees, subsistence and clothing, and the cost of support for academic and industrial education of 100 Indian pupils, which is based on \$225 per capita.

The sum of \$5,000 is considered necessary for general repairs, such as roofing, flooring, and painting to the 39 frame buildings at this plant.

The CHAIRMAN. I am prepared to concede the decrease there and let the item stand as it is, if that is agreeable.

Mr. DALLINGER. May I ask where the Fort Bidwell School is?

Mr. MERITT. It is in the northern part of California.

Mr. DALLINGER. And Yuma is in the extreme southern part.

Mr. MERITT. Yes.

The CHAIRMAN. The clerk will read the next item.

(The clerk read the next item, as follows:)

For support and education of 100 Indian pupils at the Greenville Indian School, California, including pay of superintendent, \$24,100; for general repairs and improvements, \$5,000; for new school building, \$12,000; in all, \$41,100.

Mr. MERITT. We offer for the record the following justification:

Indian school, Greenville, Calif.

Fiscal year ending June 30, 1920: Amount appropriated-----	\$24,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	21,500.00
Amount expended-----	21,115.88
Unexpended balance -----	384.12

Analysis of expenditures:

Salaries, Wages, etc-----	10,326.61
Traveling expenses-----	232.24
Transportation of supplies-----	196.16
Telegraph and telephone service-----	60.99
Stationery, printing, schoolroom supplies-----	169.98
Subsistence supplies-----	4,612.02
Dry goods, clothing, etc-----	1,743.06
Forage-----	469.25
Fuel, lubricants, power and light service-----	415.95
Medical supplies, etc-----	182.83
Live stock-----	50.00
Equipment and miscellaneous material-----	2,304.97
Miscellaneous-----	351.82

Total----- **21,115.88**

REPAIRS AND IMPROVEMENTS.

Fiscal year ending June 30, 1920: Amount appropriated-----	\$10,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	3,500.00
Amount expended-----	3,492.75
Unexpended balance-----	7.25
Analysis of expenditure: Repair of buildings-----	3,492.75

Statistical statement for year ending June 30, 1919.

Value of school plant (real property)-----	\$64,613
Number of buildings-----	29
Number of employees-----	15
Total salaries-----	\$10,720
Average attendance of pupils-----	92
Average enrollment-----	116
Capacity-----	90
Cost per capita based on enrollment-----	\$164
Cost per capita based on average attendance-----	\$206
Area of school land (acres)-----	275
Area of school land (acres cultivated)-----	75
Value of agricultural products-----	\$800
Value of other school products-----	\$940
Indian money, proceeds of labor (school earnings) expended-----	

Superintendent's estimate of absolute needs for 1921:

Support-----	\$26,600
Repairs and improvements-----	5,000
New buildings, school building-----	12,000
Dairy barns-----	2,500
Irrigation and drainage-----	3,000
Total-----	49,100

Requested in proposed bill for 1921:

Support and education of 100 Indian pupils at the Indian school and superintendent's salary-----	24,100
Repairs and improvements-----	5,000
New buildings, school building-----	12,000
Total-----	41,100

POSITIONS AND SALARIES, 1919.

Superintendent-----	\$1,700	Seamstress-----	\$520
Clerk-----	1,000	Laundress-----	500
Physician (contract)-----	720	Cook-----	500
Disciplinarian-----	600	Engineer-----	720
Principal-----	1,000	Laborer-----	720
Kindergartner-----	600	Assistant-----	300
Matron-----	600		
Assistant matron-----	520	Total-----	10,720
Nurse-----	720		

The sum of \$24,100 for support of the Greenville Indian School, California, will provide for 100 pupils at \$225 per capita in addition to superintendent's salary.

The sum of \$5,000 is required for general repairs and improvements. The plant consists of frame buildings which necessitate the outlay of considerable repairs to keep in proper condition.

The sum of \$12,000 is requested for a new school building. The old one is too small and very poorly ventilated and lighted, and very hard to keep

* \$320 of salary payable from "Relieving distress and prevention, etc., of diseases among Indians, 1920."

warm in the severe winter weather. The old building will be made into dormitories and an assembly room, which is badly needed, as there is no place for the children to assemble in the long winter evenings.

The CHAIRMAN. The item is satisfactory to me, except the \$12,000 for the new school building, and that I hope it will be agreeable to strike out. I think that investigation in our hearing has shown we ought to make careful study of the school question before we build more new buildings anywhere, and if there is no objection, we will strike out the \$12,000 for new school building, and proceed with the reading. The clerk will read.

(The clerk read the next item, as follows:)

For continuing the construction of a road from Hoopa to Weitchpec, on the Hoopa Valley Reservation, in Humboldt County, Calif., in conformity with plans approved by the Secretary of the Interior, \$10,500, to be reimbursed out of any funds of the Indians of said reservation now or hereafter placed to their credit in the Treasury of the United States, in accordance with the Indian appropriation act of May 25, 1918 (40 Stat. pp. 570 and 571).

Mr. MERITT. We offer for the record the following justification:

Road from Hoopa to Weitchpec, Hoopa Valley Reservation, Calif.

Fiscal year ending June 30, 1920: Amount appropriated.....	\$10,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated	10,000.00
Amount expended.....	4,875.41
Unexpended balance	5,124.59
Analysis of expenditures:	
Salaries, wages, etc.....	4,035.50
Transportation of supplies.....	44.00
Equipment and miscellaneous material.....	513.03
Miscellaneous	288.88
Total.....	4,875.41

This project was initiated under an appropriation of \$10,000 in the Indian act for 1919, as follows:

"For beginning the construction of a road from Hoopa to Weitchpec, on the Hoopa Valley Reservation, in Humboldt County, California, in conformity with plans approved by the Secretary of the Interior, \$10,000, to be immediately available and to remain available until expended, and to be reimbursed out of any funds of the Indians of said reservation now or hereafter placed to their credit in the Treasury of the United States: *Provided*, That the proper authorities of the county of Humboldt, California, agree to furnish, at their own expense, a competent engineer satisfactory to the Secretary of the Interior to supervise the construction of said road; to provide the use of such tools and implements as the said Secretary may deem to be justly required of them, and to maintain the said road in good condition: *Provided further*, That the total cost of said road shall not exceed \$30,500."

There was a second appropriation of \$10,000 in the Indian act for the fiscal year 1920, making \$20,000 in all thus far appropriated. As the original appropriation provided that the total cost of the road should not exceed \$30,500, this leaves an unappropriated balance of \$10,500, which it is the purpose of the present item to provide.

The CHAIRMAN. Now, what has been done in the construction of that road to date?

Mr. MERITT. Part of the work has been completed, and we think with this appropriation we can complete the entire road.

The CHAIRMAN. You have only spent, according to the statistics or reports here, \$4,875. Was that amount actually spent building roads or getting ready to build them?

Mr. MERITT. That was spent for building the roads.

The CHAIRMAN. The salary and wages item is \$4,035. Now, I understand there have been two appropriations made, and \$4,875 is the total amount spent out of both those appropriations up to this time, as far as your records go, except what you have spent in this fiscal year.

Mr. MERITT. The analysis shows the approximation for the first year, \$10,000. We have no analysis for the expenditure for this year, because we are now in the process of expending that appropriation. The first year we only expended \$4,875.41.

The CHAIRMAN. Was that actually expended for the construction of the road?

Mr. MERITT. Yes, sir.

The CHAIRMAN. And the amount spent since the first of this fiscal year is also being spent for the construction of the road, but you do not know what part of the road has been completed with the amount of money spent, the actual amount that has been spent up to this time?

Mr. MERITT. No, sir.

The CHAIRMAN. But it is your belief that the road can be completed under the original estimate of \$30,500, and that this will be the final appropriation for the construction of that road?

Mr. MERITT. We may ask for the unexpended balance in order to complete the road.

The CHAIRMAN. Well, I think we have got to finish that road, since we have started it, of course.

Mr. HAYDEN. Are the authorities of the county of Humboldt carrying out their part of the bargain?

Mr. MERITT. That is our understanding.

The CHAIRMAN. Well, can't you give us a little more definite statement on that than just that it is your understanding? Can't you state definitely whether they are or not; and if not, could you get that information and give it to us to-morrow morning?

Mr. MERITT. The authorities of Humboldt county furnish the machinery and are supervising the construction of the road. They are fulfilling their part of the agreement.

The CHAIRMAN. Then I am willing to pass that, if the rest of the committee is, and the clerk will read.

(The clerk read the next item, as follows:)

For the construction of a system for the irrigation of 1,480 acres of Indian land on the Hoopa Valley Indian Reservation, Calif., \$35,000: *Provided*, That the cost of this project shall be reimbursed to the United States under such rules and regulations as the Secretary of the Interior shall prescribe.

Mr. MERITT. We offer for the record the following justification for this item:

IRRIGATION SYSTEM, HOOPA VALLEY RESERVATION, CAL. (REIMBURSABLE).

Indian Tribe, Klamath, Hupa et al.

Number of Indians, 1,485.

Area of reservation, 128,142 acres.

Irrigation project started, not commenced.

Area of irrigable land under project, 1,480 acres.

Estimated additional cost to complete, none.

Estimated cost per acre when completed, \$23.78.

Average value of irrigated land per acre, \$100.

Average annual precipitation, 50 inches (all falling in winter).

Source of water supply, Trinity River and tributaries.

Crops produced, wheat, alfalfa, beans.

Market for products, local.

Distance from railroad, 16 miles.

This sum is requested to provide for the construction of gravity ditches for the irrigation of 1,480 acres of Indian land which has been allotted to the Indians in 8-acre tracts. The Indians have been using this land to grow grain crops which mature early in the season and require no further irrigation than the natural moisture supplied during the winter and spring. Because of this continual cropping with grain the land has been practically worn out and the only possible way to rebuild it is by providing irrigation water which in turn will enable the growing of other crops maturing later in the season. Under the best of conditions the past methods have been precarious but the Indians have shown a very commendable degree of industry. With the expenditure of the proposed amount their lands can be irrigated for various crops and the Indians' condition will be materially improved.

The CHAIRMAN. I do not think we can consider that at this time.

Mr. HAYDEN. I notice here that they have an annual average precipitation of 50 inches rainfall, all in the winter.

Mr. MERITT. They do not get the rainfall when they need it for growing crops.

The CHAIRMAN. As I understand it, that section is subject to a point of order. It is new legislation, and I would not be favorable to starting into any new project, and, Mr. Rhodes, will you move that it be stricken out?

Mr. RHODES. I move that the paragraph be stricken out.

The CHAIRMAN. Without objection, it is so ordered.

The clerk will read.

(The clerk read the next item, as follows:)

For purchase of a certain 10-acre tract of land in San Diego County, Calif., on which is situated an old Indian cemetery used by the Indians of the Volcan Indian Reservation and needed for present and future use, \$600.

Mr. MERITT. We offer for the record the following justification:

PURCHASE OF CEMETERY SITE, VOLCAN RESERVATION, CALIF.

The superintendent of the Soboba Reservation reports that the cemetery used by Indians of the Volcan Reservation is on land owned by the Santa Ysabel Ranch Co.; that the Indians are anxious that title to the land be obtained by the Government for them, and that the purchase shall include a sufficient area to accommodate a church building and space enough to hitch or graze the horses of Indians coming from a long distance for burials or worship. The manager of the ranch company has given a six months' option on a 10-acre tract not yet described, which includes the cemetery site, at a price of \$600.

The CHAIRMAN. What about the Indians in that section? Do they live on a Government reservation?

Mr. MERITT. Yes, sir.

The CHAIRMAN. And have they tribal funds?

Mr. MERITT. No, sir; they have no tribal funds to their credit.

The CHAIRMAN. What percentage of them are competent Indians who have been given their citizenship?

Mr. MERITT. They are all under the jurisdiction of the Federal Government.

The CHAIRMAN. All under the jurisdiction of the Federal Government?

Mr. MERITT. Yes, sir.

The CHAIRMAN. And what facilities have they now for church worship?

Mr. MERITT. I think they have no facilities.

The CHAIRMAN. And how many Indians are there in that surrounding territory who could take advantage of the church in case this should be allowed, and who would build this church?

Mr. MERITT. There are 175 Indians on the Volcan Reservation.

The CHAIRMAN. I have no objection to it, if it can be justified, and if there is a necessity for it.

Mr. MERITT. This land has been used as an Indian burial ground, and these Indians are without funds of their own; therefore it seems necessary if they are to get title to this property, that the Government should make the appropriation.

The CHAIRMAN. Is it proposed to build a church there?

Mr. MERITT. No, sir; the Government would not build a church. The Indians, of course, might build a church after the title to the land is procured.

Mr. RHODES. That is only a matter of contemplation; the necessity is that it is a burial ground and it is desired for burial purposes?

Mr. MERITT. Yes, sir.

Mr. DALLINGER. Where are they burying them now?

Mr. MERITT. They are burying them on this land. That is the reason why we want to purchase the land, because it is an Indian burial ground and the title to the land is not held by the Indians but by a ranch company.

Mr. DALLINGER. How long have they been burying them there?

Mr. MERITT. From time immemorial.

Mr. DALLINGER. Has the ranch company ever disturbed them?

Mr. MERITT. No, sir.

Mr. DALLINGER. Why do you think there is any likelihood of their disturbing them in coming years more than in previous years?

Mr. MERITT. The Indians feel that they should have a better tenure to the graves of their departed tribesmen than simply the courtesy on the part of the ranch company, and they have made an appeal to the Indian Office to purchase this property.

Mr. DALLINGER. When did they first make that appeal?

Mr. MERITT. This year.

Mr. DALLINGER. Why didn't they make the appeal before?

Mr. MERITT. It was never brought to our attention before.

Mr. DALLINGER. I say, why didn't they make the appeal before? Have you any idea?

Mr. MERITT. Like all Indians, they do not look ahead. They simply live from one day to another, and it is possible that the ranch company is objecting to the Indians using additional land for burial purposes.

Mr. DALLINGER. Wouldn't it be a good plan to find out what the reason is that they are asking for it this year? This year is a bad year to ask increased appropriations. You are going to run up against opposition in the House on every increased item.

The CHAIRMAN. I think you are quite right, and I would like to ask further what is the ordinary value of acreage around that section of country?

Mr. MERITT. It depends on the nature of the land, Mr. Chairman. In one place land may be worth \$200 an acre, and a mile from there

the land may be worth \$5 an acre. It all depends on the location of the land.

The CHAIRMAN. Well, it would strike me that 10 acres for cemetery for a population of 175 was a pretty large-sized plot.

Mr. RHODES. But that would depend on how many bodies have already been buried there.

Mr. DALLINGER. He says they have been burying them from time immemorial.

The CHAIRMAN. However, the amount is not large, and if the Indians themselves are requesting it and are tenacious about it, and the bureau is fully advised of it and feels it should insist upon the appropriation, I think we should furnish them a place to bury their dead.

Mr. MERITT. One reason probably why 5 acres is not sufficient is that the Indians have not buried their dead in one tract. It may require 10 acres to cover all the graves of the Indians.

The CHAIRMAN. I see, they may be buried 10 miles apart?

Mr. DALLINGER. You might on that theory buy a whole county for them.

The CHAIRMAN. I think we had better let them have that, so far as we are concerned.

Mr. DALLINGER. You will defend the item on the floor?

The CHAIRMAN. I will try to, and hope you will help.

The clerk will read the next item.

(The clerk read the next item, as follows:)

That the Secretary of the Interior and the Secretary of the Treasury be, and they are hereby, authorized to allow payment of an indebtedness amounting to \$3,215.12 incurred by the superintendent of Hoopa Valley Agency, Calif., during July, August, and September, 1918, in the construction of a trail on the Klamath River Reservation, from the tribal fund known as Proceeds of Klamath River Reservation, Calif., which was made available for that and other purposes by the act of March 2, 1917 (39 Stat. L., page 976), but from which no expenditures were authorized by section 27 of the act of May 25, 1918 (40 Stat. L., p. 591).

Mr. MERITT. We offer for the record the following justification for it:

JUSTIFICATION.

The superintendent at Hoopa Valley Agency was given an allotment for the fiscal year ended June 30, 1918, from Proceeds of Klamath River Reservation, Calif., for the construction of a trail on said reservation, and expended \$13,151.81 for the purpose during said fiscal year. No expenditures from the fund in question were included in the estimate to Congress for the fiscal year 1919, and none were authorized by section 27 of the Indian appropriation act approved May 25, 1918. Consequently, no allotment was made for 1919, but the superintendent claims not to have understood that the use of the fund was prohibited by law after June 30, 1918, and continued to work on the trail until his attention was called to the matter in September, 1918. Meanwhile, he has incurred an unauthorized indebtedness amounting to \$3,215.12; \$2,550.62 of which he paid from funds placed to his credit for expenses of the previous year, and \$664.50 of which remains unpaid. Inasmuch as the superintendent and the persons who actually did the work on this trail are believed to have acted in good faith and the Indians will derive the benefit from the trail, the proposed legislation is desired for the purpose of clearing the superintendent's accounts and permitting payment of his indebtedness still outstanding.

Mr. HAYDEN. The act which we passed prohibiting the use of tribal funds, except by authority of Congress, caught this superintendent.

Mr. MERITT. He got caught in between the change of the method of using tribal funds.

Mr. HAYDEN. How do you happen to name him as superintendent of the Hoopa Valley Agency. What is the man's name? Klamath Reservation is in Oregon, Hoopa Valley is in California.

Mr. MERITT. Mr. James B. Martsolf is superintendent of the Hoopa Valley Reservation.

Mr. HAYDEN. Why not make this amount payable to Mr. Martsolf, instead of describing him as superintendent of the Hoopa Valley Agency?

Mr. MERITT. The Klamath River Reservation is a part of the jurisdiction of the superintendent of Hoopa Valley Reservation. Now, the Klamath Reservation is in Oregon, but the Klamath River Reservation is in California; therefore this is properly worded.

Mr. HAYDEN. At that, I think you ought to name the man.

Mr. MERITT. From an accounting standpoint, we will simply transfer this money in the Treasury to the credit of this party's account, and I don't believe it would be necessary to appropriate it to him personally.

The CHAIRMAN. Now, as I understand it, this item is brought about by the fact that heretofore expenditures out of tribal funds for this purpose had not been limited in the bill to a certain fixed amount; it was carried in that lump-sum appropriation, \$2,500,000. That might have been mentioned in the bill, but really you were not held down to certain fixed amounts, and when the amount became fixed in the bill, this superintendent, not being advised, had overreached the amount prescribed in the bill. Is that correct?

Mr. MERITT. That is the substance of the situation.

Mr. DALLINGER. I want to ask Mr. Meritt if there isn't some one in the Indian Bureau with legal training whose business it is to advise the agents as to their powers to spend money under the law?

Mr. MERITT. Yes, sir.

Mr. DALLINGER. Well, why wasn't it done in this case?

Mr. MERITT. Because it was not brought to the attention of the official in the Indian Bureau. The superintendent went ahead on his own responsibility and continued that work. He was in the process of building this road under appropriations out of tribal funds.

Mr. DALLINGER. Had the appropriation been allotted to him for that purpose? Had the Indian Bureau told him that he could spend so much money on that particular project?

Mr. MERITT. No, sir; he went ahead and took it for granted that he could continue to use tribal funds, as he had been doing theretofore, but Congress in the meantime put a limitation upon the use of tribal funds, and the superintendent did not keep himself advised of the situation, and immediately when it was brought to our attention we stopped him from using those funds.

Mr. DALLINGER. But my point is this: when that second act was passed, were there no new regulations or instructions sent out to the Indian agents for their guidance?

Mr. MERITT. Yes, sir; we sent the act of Congress to all of the superintendents, but the superintendent overlooked the fact that Congress had passed this new legislation.

Mr. HAYDEN. We discovered by investigation conducted here that there was annually being expended on the various Indian reservations out of tribal moneys about \$2,000,000, and that no report of the expenditure was made to Congress, and they were made under blanket authority heretofore granted to expend tribal funds. Congress then provided that hereafter tribal funds should not be expended without specific authority from Congress, and this superintendent evidently was working on a project commenced in one fiscal year and the law went into effect the 1st of July, and he proceeded during the remainder of the summer to complete his work.

The CHAIRMAN. How will we be able to convince our friend Ferris and two or three of the others that that statement is correct, without we have something further to corroborate the assertion that this man did actually spend this money?

Mr. MERITT. My statement in the record as an employee of the Indian Bureau should be sufficient.

The CHAIRMAN. Is that sufficient without any other data than the man himself furnishes? Some one will ask why this official who spent this amount of money beyond that which he was legally supposed to spend, is not recoverable under his bond.

Mr. MERITT. We could recover this money under the superintendent's bond, but we feel that it would be an injustice to the superintendent to require him to go into his pocket and pay out this money which he had expended in absolute good faith, thinking that he was simply continuing a project that had been theretofore authorized.

The CHAIRMAN. That is exactly why I raised the question, to get that statement in the record.

Mr. RHODES. Now, are you certain that he has paid this money out? Is the Indian Office supplied with abundant proof on that point, showing the actual bona fide expenditure of this money?

Mr. DALLINGER. Have they the vouchers?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Well, what shall we do with the item, gentlemen?

Mr. RHODES. Of course ignorance of the law excuses no man. He on the contrary was presumed to know the law, and as a strictly legal proposition if he violated the law he did so at his own peril.

Mr. MERITT. The superintendents are now advised of that new legislation by Congress, and if they should make that error now, after being fully advised, we would not be in sympathy with an effort to collect the money.

Mr. DALLINGER. I understood you to say that this man was sent a copy of the act of Congress.

The CHAIRMAN. But he overlooked it. Is this the only item of that character that is in the bill?

Mr. MERITT. Yes, sir.

Mr. HAYDEN. How many superintendents have you?

Mr. MERITT. One hundred and forty some odd.

Mr. HAYDEN. Out of 140 only one made a mistake?

The CHAIRMAN. I am surprised that there are not more of them, because it was a pretty drastic thing that we did.

Mr. RHODES. If you have abundant proof on the point of the actual expenditure in keeping with the established policy and existing law,

and he was simply caught between the upper and nether millstones, I would be inclined to let it stand, so far as I am concerned.

Mr. MERITT. That is the situation, Mr. Rhodes.

The CHAIRMAN. Very well, gentlemen; unless there is objection to it, we will O. K. it and the clerk will read.

(The clerk read the next item, as follows:)

FLORIDA.

SEC. 4. For relief of distress among the Seminole Indians in Florida, and for purposes of their civilization and education, \$15,000, including the construction and equipment of necessary buildings.

Mr. MERITT. We offer for the record the following justification for this item:

Support of Seminoles in Florida.

Fiscal year ending June 30 1920, amount appropriated-----	\$20,000. 00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	10,000. 00
Amount expended-----	8,892. 85
Unexpended balance-----	1,107. 15
Analysis of expenditures:	
Salaries, wages, etc-----	3,926. 50
Traveling expenses-----	734. 09
Transportation of supplies-----	116. 00
Subsistence supplies-----	122. 72
Fuel, lubricants, power and light service-----	3. 15
Medical supplies, etc-----	46. 85
Live stock-----	140. 00
Equipment and miscellaneous material-----	1,962. 84
Medical and hospital expense-----	543. 46
Miscellaneous-----	13. 50
Outstanding liabilities-----	1,283. 94
Total-----	8,892. 85

This item is \$5,000 less than the appropriation for the fiscal year 1920.

The major part of the amount requested will be used to establish these Indians on land set aside by the Federal and State Governments for their use and occupation and assist them in becoming self-supporting. This includes the purchase of farming implements and other equipment, seed, boring wells, erection of necessary shelter houses, fencing of land, clearing and putting in cultivation, and the employment of farmers and teachers.

The balance of the appropriation will be utilized to meet the general miscellaneous expenses of that jurisdiction.

These Indians have no tribal funds to their credit, hence the entire amount requested will be needed for administering their affairs.

Mr. HAYDEN. What use are they making of the 100,000 acres of land that was granted them by the recent act of the Florida Legislature?

Mr. MERITT. Very little, for the reason that the land is not drained and it is impracticable to use it in its present state.

The CHAIRMAN. This is the most undefendable item in the bill, in my judgment. It is a small thing; it has been grafted onto us in the last three or four years—when I say “grafted” I don’t mean “grafted” so far as any particular party is concerned. But here, Mr. Rhodes, is a case where we actually picked up a remnant of a tribe of Indians who had been without the care of the Government for—I

don't just remember how many years now, but 80 or 90 years—and because they were a roving band of poor Indians, paupers of the State of Florida, for whom Florida would do nothing except give them a lot of land in the jungles, we went down and again took them back into the arms of the Government and are now starting a system here which will probably continue for all time.

Mr. DALLINGER. Mr. Chairman, what was the history of the Seminole Indians? Weren't they offered land out in Indian Territory?

The CHAIRMAN. It is a long story and it is all in the record a dozen times. And, as I say, this is a band which was left down there who did not see fit to take advantage of certain opportunities which were offered them when they were shifted up north and down south in other sections of the country, and they had been rovers there for all these years. They are poor, very poor; they are almost—well, I don't want to say they are almost like dogs—but as near as I can judge from the information I get from those who went down there, they are about as near to that as anything you can compare them to, and they need help. But they are not a legal obligation on the part of this Government by any means. Still, we have taken them on, and for two or three years the department itself was evidently so disgusted with the thing that it would not even go down there to take a look at it. It didn't spend any money on them then, but it has actually got to spend a little money on them now.

Mr. HAYDEN. Well, I think the State of Florida is to be commended for giving back some land to these Indians. The situation originally was, as Mr. Dallinger indicated, that these Indians were rounded up by the military after a very long campaign—all that they could catch of them—and were forced to go to Oklahoma as prisoners of war. Those who had spirit or cunning enough to hide in the jungle remained in Florida, and there they are now.

Mr. DALLINGER. How many of them are there?

Mr. MERITT. There are about 500 Indians.

Mr. HAYDEN. A subcommittee of this committee went to Florida to look into this situation four years ago, and saw a number of these Indians. At that time there was a demand that the United States buy lands for them and do everything imaginable for their support, and the members of this committee at that time were positive in their position that the State of Florida would have to show good faith on its part, but subsequently the State of Florida did set aside 100,000 acres of land, which, when their drainage canals are completed, will be good farming land and make quite an estate for these Indians.

Mr. DALLINGER. Who is constructing the drainage canal?

Mr. HAYDEN. The State of Florida, I understand.

The CHAIRMAN. Not with any idea of being of any advantage to these Indians, however.

Mr. HAYDEN. As I understand the situation there, the general drainage scheme, which drains a vast area of land, would incidentally drain the lands that have been granted by the State of Florida to the Seminole Indians.

The CHAIRMAN. All that land these Indians are on not only has to be drained but it is a coral substance, on which you have to spend a world of money getting down to the soil in it.

Mr. RHODES. That is what I wanted to inquire about—the character of that soil.

The CHAIRMAN. What we are starting out to do here is to educate the Indian now and get him in shape to become, I suppose, of some use as a citizen.

Mr. HAYDEN. They never can be a very heavy burden on the Treasury if there are only 500 of them. Your argument is sound, but the practical situation is that if the United States furnishes them with a farmer, a teacher, school facilities, they having their own land, that is about all the Seminoles can expect from Congress.

Mr. RHODES. Can they make a living on that land?

Mr. HAYDEN. Other people make a living on that same kind of land.

Mr. RHODES. I thought there was doubt of the availability of that land for agricultural purposes.

Mr. HAYDEN. They have 100,000 acres; that ought to be enough land for 500 people.

Mr. RHODES. I know this to be a fact, that in that State and in a number of other States a man is worse off with a certain character of land than he is without any. Now, if that is the character of land I anticipate it is, I fear the Indians could not, under any circumstances, use it profitably for agricultural purposes.

Mr. HAYDEN. Well, that was not the representation made to us while we were in Florida. It was represented that the land was swampy in character, but that there were hummocks and high ground in it in various places which could be cultivated.

Mr. RHODES. What is your information on that point, Mr. Meritt?

Mr. MERITT. My information is that the 100,000 acres of land that have been set aside by the State of Florida is not very valuable at this time, because it needs to be drained. The State of Florida very generously set aside this land, but subsequently they came to Congress and asked for a large appropriation to drain the land, but the appropriation was not granted. There have been 15,000 acres set aside by the Federal Government on which some of these Indians live. They are farming in a small way, but they derive their living principally from hunting and fishing.

Mr. RHODES. What I am getting at is this: In the present state of that land can the Indians make a living?

Mr. MERITT. No, sir; but they do need some assistance from the Federal Government.

The CHAIRMAN. I grant that. I grant that they need assistance.

Mr. MERITT. You will note that we are asking for \$5,000 less than what was appropriated last year.

Mr. RHODES. Well, that is just the kind of provision that I have been acceding to all the way through, because I respond to a situation of that kind much more generously than I do in the carrying forward of some gigantic theoretical proposition about which I have doubt as to its practicability.

Mr. MERITT. It is not our desire, as shown by our estimates here, with a reduction of \$5,000 to build up any extensive organization. We simply want to be in a position to help those Indians to the extent that we can be helpful to them, at the same time keeping them as near self-supporting as possible. They are, however, in a more

precarious condition now than formerly, for the reason that the Everglades are being drained by the State of Florida; a large part of the land that was formerly open to them for hunting and roaming over is now not available to them, and their method of livelihood has been somewhat restricted.

Mr. RHODES. This is simply a case of charity. There is no legal obligation and no moral obligation.

The CHAIRMAN. That is the whole story. The State of Florida had allowed them to roam like a band of wild people. Now, I haven't been there but I have great confidence in Judge Tillman who is a member of this committee, and he was down there and looked the situation over, and I am basing my statement upon a statement that is now a matter of record, which he put into the record after he came back. Of course, the facts with regard to our responsibility are exactly as I stated them in the beginning, that they do need help and we want to help them, I suppose, but I am opposed to taking over any burden which belongs to a State back on to the Government. After we have once gotten rid of responsibility we ought to stay rid of it, and it doesn't seem to me that the State of Florida has done anything by turning over a hundred thousand acres of land that probably isn't worth 50 cents an acre, unless it is drained or watered, and then come on here and ask the Congress to give them the money to drain it with.

Mr. HAYDEN. That is the first I ever heard of the application for money to drain this land on the part of the Florida authorities.

Mr. MERITT. There was a request for it.

The CHAIRMAN. Now, these 500 Indians could use but a very small portion of that 100,000 acres, because they had not been using any up to the time we took hold of this proposition. They had just been living on nuts, and squirrels, and fish, and snakes, and anything they could get together. Now, I see that there has been \$8,892 expended, \$4,000 of which has gone for salaries, and \$74 for traveling expenses, and only \$1,962.64 for miscellaneous material and equipment. Is there anything in this justification which says that any schools have been built or that much has been done for the Indians so far, except to get an organization together. I guess that is about what has been done, isn't it, Mr. Meritt?

Mr. MERITT. We have recently sent to Florida a man of Indian blood who has been the supervisor. His name is Supervisor Brandon.

Mr. HAYDEN. Is he an Oklahoma Seminole?

Mr. MERITT. He is an Oklahoma Indian. He has really got in touch with those Indians and has gotten some of them interested in schools, and for the first time we have been able to get Indian children into the public schools of the State of Florida. We have also been able to furnish them medical supplies and gradually are winning them to the point where they will believe that the Federal Government is willing to assist them without robbing them of some of their property.

The CHAIRMAN. Now, let us to close this up—we must do something, of course, and you have reduced it from last year \$5,000, and if it is agreeable to the rest of the committee I am willing to let it ride as it is this time.

The clerk will read the next item.

(The clerk read the next item, as follows:)

IDAHO.

SEC. 5. For support and civilization of Indians on the Fort Hall Reservation in Idaho, including pay of employees, \$30,000.

The CHAIRMAN. Mr. Smith of Idaho wants to be heard on an item in Idaho, and I told him if he would come up here to-morrow morning at 11 o'clock we would hear him, so when you come to that section we will wait. I fixed it for him to-morrow morning at 11 o'clock.

Mr. MERITT. It is a new item that he wants to get into the bill, Mr. Chairman. It doesn't affect the items in this bill; it does not affect this item.

The CHAIRMAN. Then we will go ahead.

Mr. MERITT. We offer for the record the following justification:

Support of Indians, Fort Hall Reservation, Idaho.

Fiscal year ending June 30, 1920, amount appropriated-----	\$30,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	30,000.00
Amount expended-----	29,863.50
Unexpended balance-----	136.50
Analysis of expenditures:	
Salaries, wages, etc-----	14,688.46
Traveling expenses-----	44.90
Telegraph and telephone service-----	2.11
Stationery, printing, schoolroom supplies-----	47.48
Subsistence supplies-----	11,320.34
Dry goods, clothing, etc-----	5.83
Forage-----	1,318.73
Fuel, lubricants, power, and light service-----	527.08
Medical supplies, etc-----	95.32
Live stock-----	125.00
Equipment and miscellaneous material-----	1,449.34
Miscellaneous-----	36.78
Outstanding liabilities-----	202.13
Total-----	29,863.50

The amount requested is the same as was allowed for the support and civilization of the Indians of the Fort Hall Reservation for the fiscal year 1920.

The population of the reservation is 1,759, of which number 1,447 are holding trust or restricted fee patents. There are 213 old and indigent Indians, to whom it is necessary to issue rations by reason of physical and mental disabilities.

Of the amount appropriated for the fiscal year 1919 \$14,688.46 was expended for salaries, wages, etc., of necessary employees, \$11,320.34 for subsistence supplies for issue to the old and needy, and the balance for fuel, forage, equipment, and other general expenses necessary in the conduct of the agency.

These Indians have no tribal funds of any consequence to their credit, hence are entirely dependent upon this annual appropriation for their support and civilization.

(The clerk read the next item as follows:)

For improvement, maintenance, and operation of the Fort Hall irrigation system, \$55,700: *Provided*, That expenditures hereunder for improvements shall be reimbursable to the United States in accordance with the provisions of the act of March 1, 1907.

Mr. MERITT. We offer for the record the following justification for this item:

Improvement, maintenance, and operation, Fort Hall irrigation system, Idaho (reimbursable).

Fiscal year ending June 30, 1920, amount appropriated---	\$50,000.00
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Fiscal year ended June 30, 1919:

Amount appropriated-----	50,000.00
Amount expended-----	50,000.00

Analysis of expenditures:

Salaries, wages, etc-----	35,592.90
Traveling expenses-----	606.06
Telegraph and telephone service-----	100.70
Stationery, printing, schoolroom supplies-----	102.37
Forage-----	3,428.80
Fuel, lubricants, power and light service-----	1,006.00
Equipment and miscellaneous material-----	5,530.38
United States Geological Survey for steam gauging-----	2,123.42
Miscellaneous-----	120.65
Outstanding liabilities-----	1,388.72

Total-----	50,000.00
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Indian tribes, Bannocks and Shoshones.

Number of Indians, 1,714.

Area of reservation, 447,490 acres.

Irrigation project started, 1908.

Work done by force account, using principally Indian labor.

Area of irrigable land under project, 50,000 acres.

Area of irrigable land under constructed works, 25,000 acres.

Area actually irrigated, 23,620 acres.

Area of irrigable land cultivated by lessees, 7,490 acres.

Area of irrigable land cultivated by white owners, 11,045 acres.

Cost of construction to June 30, 1919, \$875,848.25.

Cost of operation, maintenance, and miscellaneous to June 30, 1919, \$281,207.79.

Operation and maintenance charges are collected from white users.

Estimated additional cost to complete, \$550,000.

Estimated cost per acre when completed, \$27.50.

Average value of irrigated land per acre, \$150.

Average annual precipitation, 14 inches.

Source of water supply, Snake and Blackfoot Rivers.

Crops produced: Alfalfa, potatoes, wheat, oats, sugar beets.

Market for products: General; good.

Distance from railroad: Railroad through project.

This estimate includes funds for the construction of about 7 miles of canals and laterals, the construction of which will be necessary in order to bring additional lands under irrigation. It also includes the necessary sum for the operation and maintenance of the system. Excessive growth of moss in the canals of this system requires a very considerable amount to cover the cost of maintenance. During the irrigation season of 1919 this system was practically the only one in Idaho which maintained an uninterrupted adequate flow of water to the lands within the project, the State having suffered a severe drought during the past year, which caused an insufficient amount of water. Unusual demands were made on the system during the year and developed the fact that certain additional work must be done in order to safeguard the system for future emergencies.

Mr. HAYDEN. Now, what do you mean by "reimbursable to the United States according to the provisions of the act of March 1, 1907"? Is that the act which provides for repayment at not to exceed \$6 an acre?

The CHAIRMAN. That is that \$6-an-acre proposition.

Mr. MERITT. Yes, sir. This is the item, Mr. Chairman, where we suggested that there should be some legislation to require those white owners to pay the full construction cost of the land.

The CHAIRMAN. That is what we want to get in right here now.

Mr. MERITT. That item was included, if I remember correctly, in the hearings.

Mr. RHODES. What do you propose to do here?

Mr. MERITT. We propose to build additional laterals, and there will be very little construction work—simply lateral work.

Mr. RHODES. It doesn't contemplate enlarging the project?

Mr. MERITT. No, sir.

The CHAIRMAN. What portion of that \$55,700 would be for maintenance and operation?

Mr. MERITT. Only a small part.

The CHAIRMAN. About what percentage?

Mr. MERITT. Not to exceed 20 per cent, I should say.

The CHAIRMAN. There actually are irrigated up there 23,620 acres. It would seem as though the maintenance since the project was started in 1909 having been \$281,000, that being a period of 12 years, it would be more than 20 per cent of the item of \$57,000, if the maintenance is as much this year as it was several years ago.

Mr. MERITT. The total construction cost of this project is \$875,-848.25. The total maintenance is \$281,207.78.

The CHAIRMAN. That is fully 25 per cent. Well, Mr. Rhodes, as I understand it, our resolution in regard to the capital part of that would apply, and under those circumstances, perhaps, if they shape the increase—

Mr. RHODES (interposing). I was going to say, why the increase?

Mr. MERITT. Because of the necessary increase in the cost of supplies, and also wages have increased during the year.

The CHAIRMAN. Yes; but, as I understand it, the wages are embodied in the operation and maintenance, or perhaps you mean that is wages in connection with the building of the laterals?

Mr. MERITT. Yes, sir. In connection with this irrigation project on the Fort Hall Reservation, I wish to call the attention of the committee to a letter sent by Secretary Lane to Senator Ashurst, then chairman of the Committee on Indian Affairs. This letter was dated January 9, 1918, and reads as follows. I won't read the entire letter, but will simply quote an amendment that the department suggested should be incorporated:

Provided, That the cost of improvements herein contemplated shall be assessed pro rata on a per acre basis against all irrigable lands embraced in the project, repayment to be made by the respective owners under such rules and regulations as the Secretary of the Interior may provide: *Provided further*, That no further right to water from the Fort Hall irrigation system shall be sold except at the actual per acre cost of the contemplated project, as determined by the Secretary of the Interior, any provisions of the acts of May 1, 1907, Thirty-fourth Statutes at Large, page 134, and April 4, 1910, Thirty-sixth Statutes at Large, page —, which are in conflict with this item, are hereby repealed.

Mr. HAYDEN. Mr. Smith of Idaho spoke to me yesterday saying that he wanted to appear before the committee in support of some legislation affecting the Fort Hall project, and that he was convinced that the provision of law which limits the amount which may be recovered from the white men who are obtaining water under this project to \$6 an acre was improper, and that he understood that

the water users under the project were willing to fully reimburse the United States for the total amount of the charges in consideration of the completion of the project if certain other work was undertaken. He said to me that he would prepare legislation that would cover the matter and present it to the committee when he appeared before it.

The CHAIRMAN. Well, do you think we had better let this item go over, then?

Mr. HAYDEN. As I understand it, Mr. Smith proposes to ask not only for this item but for an additional appropriation for some other purpose.

Mr. RHODES. I suggest that we pass it, then, inasmuch as he has to be heard anyway. We might duplicate something.

The CHAIRMAN. All right, we will pass that until to-morrow morning at 11 o'clock.

Mr. MERITT. Mr. Smith wants an additional appropriation to enlarge the project, and that will be separate.

The CHAIRMAN. Well, he will have to go over some hurdles if he gets it.

Mr. MERITT. The next two items are treaty items, and we offer for the record the justifications for both items:

For fulfilling treaty stipulations with the Bannocks in Idaho: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (art. 10. treaty of July 3, 1868), \$5,000.

For the Coeur d'Alenes in Idaho: For pay of blacksmith, carpenter, and physician, and purchase of medicines (art. 11, agreement ratified Mar. 3, 1891), \$3,000.

Support of Bannocks, employees, Idaho.

Fiscal year ending June 30, 1920, amount appropriated-----	\$5,000.00
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Fiscal year ended June 30, 1919:	
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Amount appropriated-----	5,000.00
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Amount expended-----	4,570.99
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Unexpended balance-----	429.01
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Analysis of expenditures, salaries, wages, etc-----	4,570.99
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This amount is required to carry out the provisions of article 10 of the treaty of July 3, 1868 (15 Stat., L. 673), which provides that—

“The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmith, as herein contemplated, and that such appropriations shall be made from time to time on the estimates of the Secretary of the Interior as will be sufficient to employ such persons.”

During the fiscal year 1919 the amount was expended in the employment of a physician carpenter, blacksmith, engineer, and farmer and irregular employees.

The amount requested is required during the fiscal year 1921 in carrying out the provisions of the aforesaid treaty.

SUPPORT OF COEUR D'ALENES, IDAHO.

Fiscal year ending June 30, 1920: Amount appropriated-----	\$3,000.00
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Fiscal year ended June 30, 1919:	
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Amount appropriated-----	3,000.00
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Amount expended-----	2,962.73
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Unexpended balance-----	37.27
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Analysis of expenditures:	
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Salaries, wages, etc-----	2,812.22
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Medical supplies, etc-----	150.51
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Total-----	2,962.73
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The appropriation in question is required to enable the office to comply with the provisions of article 11 of the agreement with these Indians, ratified by the act of March 31, 1891 (26 Stat., 989-1029), which reads:

"It is further agreed that in addition to the amount heretofore provided for the benefit of said Coeur d'Alene Indians, the United States, at its own expense, will furnish and employ for the benefit of said Indians on said reservation a competent physician, medicines, a blacksmith, and carpenter."

This item is in the same amount as allowed in previous years and, as the analysis of expenditures shows, was used during 1919 for the pay of necessary employees and the purchase of medical supplies.

The CHAIRMAN. Now we get down to Iowa. The clerk will read.
(The clerk read the next item, as follows:)

IOWA.

SEC. 6. For the construction, maintenance, and operation of a drainage system for lands of the Sac and Fox Indians in Iowa, \$10,000: *Provided*, That any moneys expended for this purpose shall be reimbursed out of any tribal funds in the Treasury of the United States to the credit of said Sac and Fox Indians: *Provided further*, That the Secretary of the Interior is hereby authorized to enter into agreements, or make such other suitable arrangements with owners of adjacent lands benefited by the construction of such system as will insure payment from such owners, on a per acre basis, of a proportionate part of the construction, operation, and maintenance of such drainage system.

Mr. MERITT. We offer for the record the following justification:

DRAINAGE SYSTEM, SAC AND FOX RESERVATION, IOWA (REIMBURSABLE).

The Indian lands occupied by the Sac and Fox Band in Iowa are largely bottom lands along the Iowa River, and hence very fertile. All of the level land which is not subject to overflow is now being cultivated, and the average amount for each Indian is entirely inadequate for proper self-support. The total number of Indians is 360, and the area which they find possible to cultivate is 1,250 acres. A fine body of land of nearly 600 acres just north of the Iowa River is now wet to farm during the spring and early summer, and, it is proposed to construct drainage ditches and lay tiling to make it possible to farm practically this whole body of land.

It is anticipated that the expense of constructing the necessary drainage system will be approximately \$16 per acre. When the land shall have been well drained it will be worth from \$150 to \$200 per acre, while now to a large extent it is worthless, except for some pasture and during extremely dry years, which occur only infrequently. The accomplishment of this work would make it possible for a number of Indians who are now without them to have agricultural lands, and it would contribute materially to the advancement of all the Indians. This matter has been under consideration for some time, and it is felt that no greater improvement can be made for this band of Indians.

The CHAIRMAN. I am opposed to that; and it is subject to a point of order. I will make the point of order myself—if it is subject to a point of order.

We come now to page 36, a Kansas item.

(The clerk read the next item, as follows:)

KANSAS.

SEC. 7. For support and education of seven hundred and fifty Indian pupils at the Indian school, Haskell Institute, Lawrence, Kansas, and pay for superintendents, \$152,600; for general repairs and improvements, \$20,000; for improvements to heating and power plant, \$20,000; new equipment for laundry, kitchen, and engineer's shop, \$15,000; in all, \$207,600: *Provided*, That the Secretary of the Interior may sell and convey that part of the Haskell School reserve lying south of Wakarusa Creek, comprising ten acres, more or less, the proceeds of such sale to be available for expenditure for the benefit of said school.

Mr. MERITT. We offer for the record the following justification:

Indian School, Lawrence, Kans.

Fiscal year ending June 30, 1920: Amount appropriated-----	\$152,600.00
Fiscal year ended June 30, 1919:	
Received on account of tuition-----	5,610.00
Amount appropriated-----	141,350.00
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	146,960.00
Amount expended-----	146,960.00
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Analysis of expenditures:	
Salaries, wages, etc-----	52,337.33
Traveling expenses-----	104.96
Transportation of supplies-----	881.97
Telegraph and telephone service-----	262.17
Stationery, printing, schoolroom supplies-----	2,770.51
Subsistence supplies-----	38,918.98
Dry goods, clothing, etc-----	14,922.20
Forage-----	4,914.82
Fuel, lubricants, power and light service-----	17,786.68
Medical supplies, etc-----	547.11
Live stock-----	36.00
Equipment and miscellaneous material-----	11,094.57
Miscellaneous-----	1,272.47
Outstanding liabilities-----	1,110.23
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Total-----	146,960.00

REPAIRS AND IMPROVEMENTS.

Fiscal year ending June 30, 1920: Amount appropriated-----	\$15,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	15,000.00
Amount expended-----	15,000.00
	<hr/>
Analysis of expenditures:	
Repair of buildings-----	14,373.14
Outstanding liabilities-----	626.86
	<hr/>
Total-----	15,000.00

Statistical statement for year ending June 30, 1919.

Value of school plant (real property)-----	\$468,888
Number of buildings-----	75
Number of employees-----	71
Total salaries-----	\$56,450
Average attendance of pupils-----	711
Average enrollment-----	916
Capacity-----	750
Cost per capita, based on enrollment-----	\$152
Cost per capita, based on average attendance-----	\$195
Area of school land (acres)-----	988
Area of school land (acres cultivated)-----	495
Value of agricultural products-----	\$42,793
Value of other school products-----	\$8,666
Indian money, proceeds of labor (school earnings), expended-----	\$16,954
	<hr/>

Superintendent's estimate of absolute needs for 1921:

Support-----	\$153,000
Repairs and improvements-----	25,000
New buildings, equipment, boiler and power plant-----	62,500
	<hr/>
Total-----	240,500
	<hr/>

Requested in proposed bill for 1921:

Support and education of 750 Indian pupils at the Indian school and superintendent's salary.....	152, 600
Repairs and improvements.....	20, 000
New buildings, improvement to heat and power plant.....	20, 000
Equipment.....	15, 000
Total	207, 600

POSITIONS AND SALARIES, 1919.

Superintendent.....	\$2, 600	Gardener.....	\$720
Assistant superintendent and principal.....	1, 800	Shoe and harness maker.....	660
Clerk.....	1, 200	Music teacher.....	750
Property clerk.....	1, 000	Matron.....	900
Financial clerk.....	900	Assistant matron.....	660
Assistant clerk.....	720	Do.....	600
Do.....	600	Do.....	600
Do.....	600	Do.....	600
Physician.....	1, 400	Sewing teacher.....	780
Disciplinarian.....	1, 200	Seamstress.....	720
Physical director and outing agent.....	1, 200	Assistant seamstress.....	540
Principal, business department.....	1, 200	Nurse.....	840
Senior teacher.....	1, 000	Cooking teacher (with subsistence).....	660
Teacher.....	900	Domestic science teacher (with subsistence).....	720
Do.....	900	Do.....	600
Do.....	900	Dining-room matron.....	600
Do.....	840	Laundress.....	540
Do.....	810	Assistant laundress.....	300
Do.....	750	Baker.....	600
Do.....	690	Cook.....	660
Do.....	690	Hospital cook.....	480
Do.....	660	Engineer.....	1, 100
Do.....	660	Assistant engineer.....	720
Do.....	660	Do.....	720
Do.....	600	Dairyman.....	860
Superintendent of industries.....	1, 300	Painter.....	800
Farmer.....	1, 200	Laborer.....	720
Printer.....	1, 100	Do.....	720
Tailor and band leader.....	900	Do.....	720
Teacher, woodworking and mechanical drawing.....	1, 000	Do.....	600
Manual-training teacher.....	1, 000	Do.....	600
Mason.....	840	Assistant.....	300
Carpenter.....	900	Do.....	180
Assistant carpenter.....	660		
Blacksmith.....	780	Total	56, 450

The sum of \$152,600 for support of Haskell Institute, Lawrence, Kans., will provide for 750 pupils, at \$200 per capita, in addition to the superintendent's salary. This is one of the large schools, with a four-year vocational course and a two-year business course.

The amount requested for repairs and improvements (\$20,000) will be required for general repairs and improvements on the school plant, which consists of about 75 buildings. In addition to these general repairs there are several of the shop buildings and the domestic building where the girls' industries are conducted that will have to be reroofed and repaired this year.

The amount requested for equipment (\$15,000) is for new equipment for laundry, kitchen, and engineer's shop. No new equipment has been bought for these departments for the past few years, and the old equipment has been used and repaired until a great deal of this machinery and equipment can be utilized but a short time. New equipment can not be purchased out of the regular support fund, as under present conditions it costs every cent of the \$200 per capita to maintain and operate the school.

It is desired to sell 10 acres of land south of the Wakarusa Creek, as it is inaccessible from the school farm unless a bridge is built across the creek, which would be a very expensive project.

MR. HAYDEN. How much an acre can you get for that land?

MR. MERITT. That land ought to be worth \$100 an acre, if not more.

THE CHAIRMAN. How is it that with this request for \$20,000 for improvements and \$15,000 for equipment that the appropriation asked for is only \$2,000 more than last year?

MR. MERITT. Because we had \$20,000 for fire-protection system last year.

THE CHAIRMAN. Well, I think that the \$2,000 increase is fully justified by difference in conditions between last year and this, and I am surprised that the request for an increase for that splendid institution is not more than that even.

MR. MERITT. This is one of our largest and best Indian schools.

THE CHAIRMAN. If there is no objection, we will O. K. that item. The clerk will read the next item.

(The clerk read the next item, as follows:)

MICHIGAN.

SEC. 8. For support and education of 350 Indian pupils at the Indian school, Mount Pleasant, Mich., and for pay of superintendent, \$80,750; for general repairs and improvements, \$10,000; for new power and heating plant, \$30,000; in all, \$120,750.

MR. MERITT. We offer for the record the following justification:

Indian school, Mount Pleasant, Mich.

Fiscal year ending June 30, 1920; amount appropriated.....	\$80, 750. 00
Fiscal year ending June 30, 1919:	
Amount appropriated.....	72, 000. 00
Amount expended.....	72, 000. 00
Analysis of expenditures:	
Salaries, wages, etc.....	23, 651. 47
Traveling expenses.....	20. 50
Transportation of supplies.....	3, 138. 17
Telegraph and telephone service.....	75. 15
Stationery, printing, schoolroom supplies.....	55. 29
Subsistence supplies.....	20, 608. 20
Dry goods, clothing, etc.....	8, 421. 83
Forage.....	676. 49
Fuel, lubricants, power, and light service.....	9, 082. 48
Medical supplies, etc.....	347. 13
Live stock.....	25. 00
Equipment and miscellaneous material.....	2, 777. 51
Miscellaneous.....	717. 65
Outstanding liabilities.....	2, 403. 13
Total.....	72, 000. 00

REPAIRS AND IMPROVEMENTS.

Fiscal year ending June 30, 1920; amount appropriated.....	10, 000. 00
Fiscal year ended June 30, 1919:	
Amount appropriated.....	6, 000. 00
Amount expended.....	6, 000. 00

Analysis of expenditures:

Construction of buildings-----	\$642.80
Repair of buildings-----	5,357.70
Total-----	6,000.00

Statistical statement for year ending June 30, 1919.

Value of school plant (real property)-----	\$221,387
Number of buildings-----	42
Number of employees-----	39
Total salaries-----	\$25,690
Average attendance of pupils-----	289
Average enrollment-----	356
Capacity-----	350
Cost per capita based on enrollment-----	\$178
Cost per capita based on average attendance-----	\$220
Area of school land (acres)-----	320
Area of school land (acres cultivated)-----	178
Value of agricultural products-----	\$12,731
Value of other school products-----	\$7,070
Indian money, proceeds of labor (school earnings) expended-----	\$183

Superintendent's estimate of absolute needs for 1921:

Support-----	\$78,750
Repairs and improvements-----	\$10,000
New buildings, equipment-----	\$96,000
Total-----	\$184,750

Requested in proposed bill for 1921:

Support and education of 350 Indian pupils at the Indian school and superintendent's salary-----	\$80,750
Repairs and improvements-----	\$10,000
Power and heating plant-----	\$30,000
Total-----	\$120,750

POSITIONS AND SALARIES, 1919.

Superintendent-----	\$2,000	Seamstress-----	\$600
Clerk-----	1,200	Assistant seamstress-----	300
Assistant clerk-----	720	Laundress-----	600
Do-----	600	Baker-----	500
Physician-----	1,200	Cook-----	600
Disciplinarian-----	900	Assistant cook-----	300
Teacher-----	900	Farmer-----	840
Do-----	840	Dairyman-----	720
Do-----	690	Industrial teacher-----	720
Do-----	600	Carpenter-----	720
Do-----	600	Assistant carpenter-----	300
Do-----	600	Do-----	300
Music teacher-----	720	Gardener-----	600
Matron-----	840	Engineer-----	1,000
Assistant matron-----	660	Assistant-----	240
Do-----	600	Do-----	240
Do-----	300	Laborer-----	720
Do-----	300	Do-----	500
Housekeeper-----	600		
Nurse-----	720	Total-----	25,690
Assistant nurse-----	300		

This is the only Government Indian school in the State of Michigan, and there are a large number of available Indian children of school age. It does not go outside the State to fill the school.

The school plant is valued at \$221,387. The \$10,000 asked for general repairs and improvements is for the upkeep of this plant and is the same amount as asked for last year.

The heating and power plant has been in poor condition for several years. It is beyond any further repairing and is considered dangerous. It is necessary to put in a new plant.

Mr. MERITT. Because of the very cold climate in Michigan during the winter months it is very important to have a substantial heating plant. The present heating plant has been in very bad condition and we are expecting trouble from it this winter.

The CHAIRMAN. You expected the same thing last year.

Mr. MERITT. The plant can not possibly last another year.

The CHAIRMAN. Well, that seems to me to be a tremendous amount for a heating plant for a school of that capacity.

Mr. MERITT. We had the figures gone over carefully by our construction man, and he said that it would require this amount.

The CHAIRMAN. Well, I would like to know what other members of the committee think about it.

Mr. HAYDEN. What did the original heating plant cost?

Mr. MERITT. I haven't the figures here, but considerably less than this, because it was purchased a great many years ago when prices were very much lower than now.

Mr. DALLINGER. What kind of a system have you, or what do you intend to put in?

Mr. MERITT. We propose to put in a central heating system; one that will heat all of the buildings on the campus.

The CHAIRMAN. Well, this is a school that will probably be continued indefinitely, for a long term of years, is it not?

Mr. MERITT. Yes, sir. We have 42 buildings on that campus.

The CHAIRMAN. How many of those buildings do you expect to heat from this central system?

Mr. MERITT. We will heat all of them when the new heating and power system is in operation.

The CHAIRMAN. Well, is it the intention to take out the old system entirely, the old piping and all that, and put in that central system and pipes from that to all these buildings?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Is the old system now not a central system?

Mr. MERITT. It is partly a central system, but not all the buildings are heated from it.

The CHAIRMAN. Is it a steam plant?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Some of the buildings are heated with coal and stoves, then?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Well, does this contemplate heating all of the buildings which are inhabited by people?

Mr. MERITT. As well as the dormitories and the school buildings.

The CHAIRMAN. I doubt very much whether we can get it through, but if there is a real necessity there I don't want to freeze anybody.

Mr. METITT. This is more than a necessity; it is an urgent necessity.

Mr. RHODES. I see, Mr. Meritt, that the Haskell plant, which is evidently a larger one only contemplates an improvement to the ex-

tent of \$20,000, whereas this Michigan plant proposes an expenditure of \$30,000. How does that happen that this requires a larger sum?

Mr. MERITT. That is explained by the fact that we are simply making improvements to the heating plant at Haskell, whereas we are putting in a new heating plant at Mount Pleasant.

Mr. RHODES. Well, I am in favor of it, if you can not get along with the old plant another year.

Mr. MERITT. It is impossible to get along for another year, and we are really expecting serious trouble with the present plant this winter.

Mr. RHODES. I am in favor of it staying in, then.

The CHAIRMAN. We will O. K. it, then. The clerk will read.

(The clerk read the next item, as follows:)

SEC. 9. For support and education of 200 Indian pupils at the Indian school, Pipestone, Minn., including pay of superintendent, \$46,650; for general repairs and improvements, \$8,000; in all, \$54,650.

Mr. MERITT. We offer for the record the following justification:

Indian school, Pipestone, Minn.

Fiscal year ending June 30, 1920: Amount appropriated-----	\$46, 650. 00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	41, 650. 00
Amount expended-----	39, 608. 56

Unexpended balance-----	2, 041. 44
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Analysis of expenditures:

Salaries, wages, etc-----	14, 902. 93
Traveling expenses-----	221. 29
Transportation of supplies-----	219. 09
Telegraph and telephone service-----	45. 97
Stationery, printing, schoolroom supplies-----	105. 53
Subsistence supplies-----	9, 733. 86
Dry goods, clothing, etc-----	3, 746. 29
Forage-----	70. 00
Fuel, lubricants, power and light service-----	5, 153. 12
Medical supplies, etc-----	280. 15
Live stock-----	56. 16
Equipment and miscellaneous material-----	2, 663. 89
Miscellaneous-----	389. 75
Outstanding liabilities-----	2, 020. 53

Total-----	39, 608. 56
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REPAIRS AND IMPROVEMENTS.

Fiscal year ending June 30, 1920: Amount appropriated-----	\$8, 000. 00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	7, 000. 00
Amount expended-----	6, 279. 45

Unexpended balance-----	720. 55
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Analysis of expenditures:

Repair of buildings-----	4, 132. 19
Outstanding liabilities-----	2, 147. 26

Total-----	6, 279. 45
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Statistical statement for year ending June 30, 1919.

Value of school plant (real property)-----	\$205,000
Number of buildings-----	28
Number of employees-----	22
Total salaries-----	\$15,730
Average attendance of pupils-----	139
Average enrollment-----	170
Capacity-----	212
Cost per capita based on enrollment-----	\$205
Cost per capita based on average attendance-----	\$251
Area of school land (acres)-----	685
Area of school land (acres cultivated)-----	185
Value of agricultural products-----	\$11,306
Value of other school products-----	\$1,051
Indian money, proceeds of labor (school earnings) expended-----	\$1,957

Superintendent's estimate of absolute needs for 1921:

Support-----	\$42,813
Repairs and improvements-----	7,000
New buildings-----	15,000
Deep well-----	6,000
Total-----	70,813

Requested in proposed bill for 1921:

Support and education of 200 Indian pupils at the Indian school--	46,650
Repairs and improvements-----	8,000
New buildings-----	
Total-----	54,650

POSITIONS AND SALARIES, 1919.

Superintendent-----	\$1,650	Seamstress-----	\$540
Clerk-----	1,000	Laundress-----	500
Assistant clerk-----	600	Baker-----	540
Physician (contract)-----	600	Cook-----	540
Disciplinarian-----	720	Nurse-----	720
Principal-----	900	Farmer-----	900
Teacher-----	720	Carpenter-----	780
Do-----	660	Engineer-----	1,000
Do-----	600	Gardener-----	600
Matron-----	600	Assistant-----	540
Assistant Matron-----	540		
Do-----	480	Total-----	15,730

This is the only nonreservation school in the State of Minnesota and there are a large number of available Indian children of school age. The \$46,600 for support will provide for 200 pupils at \$225 per capita in addition to the superintendent's salary.

The plant, consisting of 28 buildings, is valued at \$205,000. The \$8,000 asked for repairs and improvements is required to keep these old buildings in habitable repair.

The CHAIRMAN. I see this is the same amount; but, according to the statistical report here, you only used \$39,608 last year. What became of the balance of the money?

Mr. MERITT. The unexpended balances go back into the Treasury.

The CHAIRMAN. I am agreeable to letting it go.

Mr. RHODES. You saved there \$8,000.

Mr. MERITT. No; we saved only \$2,000 last year.

The CHAIRMAN. Well, they can only spend on the basis up there of \$225 a pupil, and they are asking for the same amount, and I think perhaps we had better let that in.

Mr. MERITT. To cut that amount down would be penalizing a man because he was economical.

Mr. RHODES. Now, do you limit the expenditure to the amount prescribed by law or do you go over it a little?

Mr. MERITT. That is a northern climate, and the cost per capita is a little bit high; and last year we expended \$1 per pupil over the amount allowed by law; but that is such a small excess that we did not consider it serious.

Mr. RHODES. Will you promise not to do it any more?

Mr. MERITT. We will try to keep within the appropriation.

Mr. RHODES. The law should be obeyed.

The CHAIRMAN. The clerk will read the next item.

(The clerk read the next item, as follows:)

For support of a school or schools for the Chippewas of the Mississippi in Minnesota (art. 3, treaty of Mar. 19, 1867), \$4,000.

Mr. MERITT. We offer for the record the following justification:

Support of Chippewas of the Mississippi, Minnesota.

Fiscal year ending June 30, 1920, amount appropriated.....	\$4,000. 00
Fiscal year ended June 30, 19193) :	
Amount appropriated	4,000. 00
Amount expended.....	3,984. 17
Unexpended balance	15. 83
Analysis of expenditures :	
Salaries, wages, etc.....	3,888. 34
Outstanding liabilities.....	95. 83
Total.....	3,984. 17

The \$4,000 requested is in compliance with the terms of article 3 of the treaty, dated March 19, 1867, with the Chippewas, providing for this amount annually for educational purposes. It has been used in the past in payment of salaries of certain employees at one of the Chippewa boarding schools, and will be required for the same purpose during 1921.

(The Clerk read the next item, as follows:)

The Secretary of the Interior is hereby authorized to advance to the executive committee of the White Earth Band of Chippewa Indians in Minnesota the sum of \$1,000 or so much thereof as may be necessary, to be expended in the annual celebration of said band to be held June 16, 1920, out of the funds belonging to said band.

Mr. MERITT. We offer for the record the following justification:

CHIPPEWAS IN MINNESOTA FUND—ANNUAL CELEBRATION.

For several years Congress has appropriated \$1,000 from the tribal funds of the Chippewa Indians to defray the expenses of the annual treaty celebration of the White Earth Indians. Apparently it has been the intention of Congress to leave the manner in which this money shall be expended to the executive committee of the White Earth Indians, that committee making the expenditures and assuming responsibility therefor. The executive committee is elected by the tribal council, composed of the chiefs and the head men of the different bands of Chippewa Indians, who usually assemble in a large tent on the celebration grounds for the purpose of discussing the expenditure of this money.

The Indians strongly urge the incorporation of this item in the bill each year, as the treaty celebration is an annual event of great importance to them. As the money is advanced from their tribal funds on deposit in the Treasury of the United States, this item has been included in the bill.

(The clerk read the next item, as follows:)

That the sum of \$10,000, or so much thereof as may be necessary, of the tribal funds of the Chippewa Indians of the State of Minnesota is hereby appropriated to pay the expenses of the general council of said tribe to be held during July, 1920, pursuant to the constitution of the general council of said Chippewa Indians of Minnesota, organized in May, 1913, and to pay the expenses of said general council in looking after the affairs of said tribe, including the actual and necessary expenses of its legislative committee in visiting Washington.

Mr. MERITT. We offer for the record the following justification:

CHIPPEWA GENERAL COUNCIL.

This appropriation is not made from public funds, but is an authorization for the expenditure of tribal moneys of the Chippewa Indians.

The sum asked for is used to pay the expenses of the general council of the Chippewa Indians of the State of Minnesota, traveling and subsistence expenses of delegates, salaries of officers, said council to be held during July, 1920, and to pay the expenses of said general council in looking after the affairs of said tribe, including the actual and necessary expenses of its legislative committee in visiting Washington on behalf of said Indians.

The amount requested is the same as allowed for the fiscal year 1920.

The CHAIRMAN. I beg to say to the gentlemen present that several members of the Minnesota delegation have said to me that that item ought to be stricken out.

Mr. RHODES. I move that it be stricken out.

The CHAIRMAN. It will go out, then.

The clerk will read.

(The clerk read the next item, as follows:)

For the completion of the enrollment of the allottees within the White Earth Reservation, in the State of Minnesota, required by the act of June 30, 1913, as amended, \$1,000, or so much thereof as may be necessary.

Mr. MERITT. We offer for the record the following justification in support of this item:

Enrollment of Chippewa allottees, White Earth Reservation, Minn.

Fiscal year ending June 30, 1920, amount appropriated-----	\$2,000
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Fiscal year ended June 30, 1919:	
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Amount appropriated-----	3,000
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Amount expended-----	3,000
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Analysis of expenditures, salaries, wages, etc-----	3,000
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The act approved June 30, 1913 (38 Stat. L., 88), provides for the preparation of a roll showing the blood status of the allottees of the White Earth Reservation. This was made necessary by the large number of illegal sales of allotted lands under the provisions in the act of June 21, 1906 (34 Stat. L., 353). More than 1,200 suits have been instituted by the Department of Justice to set aside the conveyances or to recover additional compensation in the cases of the illegal sales referred to. The act of June 30, 1913, supra, provides in part: "No allotment nor the allottee thereof shall be enrolled where there is a suit now pending, or hereafter commences prior to the completion of such roll, to cancel any conveyances of such allotment until such suit has been finally determined." A large number of the above-mentioned suits have not been finally determined, and the enrollment commission is prohibited from making the enrollment until the completion of the litigation in the respective cases. It is believed that all or nearly all of these suits will be finally disposed of during the coming fiscal year; also that it will require the full amount of the appropriation asked for to complete the enrollment.

Mr. MERITT. We hope that this appropriation will complete that work. We are asking for \$100,000 less than was appropriated last year.

Mr. Chairman, there is a typographical error on page 38, line 1. It should be 1920 instead of 1919.

(The clerk read the next item, as follows:)

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of \$20,000 of the tribal funds of the Chippewa Indians of Minnesota, and to expend or pay the same, under such rules and regulations as he may prescribe, for the construction and repair of roads on the Chippewa and ceded Indian reservations in the State of Minnesota.

Mr. MERITT. We offer for the record the following justification for this item:

ROAD WORK, CHIPPEWA RESERVATIONS, MINN.

The Chippewa country comprises six different reservations, with a total area of 1,089,637 acres inhabited by 11,839 Indians. One of the greatest needs of these reservations is better road facilities, and no better use could be made of the tribal funds of the Chippewa Indians than to devote a portion thereof to this purpose. A similar amount was authorized by the Indian act for the current fiscal year; however, based on reports from superintendents, the construction of absolutely necessary roads will cost nearly \$40,000; therefore, an additional authorization of \$20,000 is recommended.

This is the same amount as was appropriated last year, Mr. Chairman.

The CHAIRMAN. If there is no objection, it will be O. K.'d again.

(The clerk read the next item, as follows:)

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States the sum of \$10,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Red Lake Band of Chippewa Indians in the State of Minnesota, and to expend the same in the construction of roads and bridges on the Red Lake Indian Reservation, in said State, including the purchase of material, equipment, and supplies, and the employment of labor: *Provided*, That Indian labor shall be employed as far as practicable.

Mr. MERITT. We offer for the record the following justification:

ROADS AND BRIDGES, RED LAKE RESERVATION.

The Red Lake Indians have asked that a portion of their tribal funds be used for road work each year, as better facilities of this nature are badly needed on the reservation. This reservation comprises 116,088 acres inhabited by 1,496 Indians.

Mr. MERITT. That is the same amount as was appropriated last year.

The CHAIRMAN. If there is no objection it will stand in the bill as read.

The clerk will read the next item.

(The clerk read the next item, as follows:)

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of \$100,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for the purpose of promoting civilization and self-support among the said Indians in manner and for purposes provided for in said act.

Mr. MERITT. We offer for the record the following justification for this item:

CHIPPEWAS IN MINNESOTA FUND, SUPPORT AND CIVILIZATION.

This is the regular annual authorization for the support and civilization of the Chippewa Indians of Minnesota from their tribal funds on deposit in the United States Treasury, arising under the act of January 14, 1889 (25 Stat. L., 642), and derived from the sale of surplus land and timber. The section referred to provides in part that the funds so accruing shall be deposited in the Treasury of the United States to the credit of the Chippewa Indians of Minnesota and draw interest at the rate of 5 per cent per annum for 50 years, and at that time to be distributed in cash pro rata among all the Chippewa Indians then living; and that "Congress may, in its discretion, from time to time during the said period of 50 years, appropriate for the purposes of promoting civilization and self-support among said Indians a portion of said principal sum not exceeding 5 per cent thereof."

The amount of said principal sum on November 4, 1919, was approximately \$5,765,795.39, 5 per cent of which would be \$288,289.77, whereas the appropriation asked for herein is only \$100,000, or \$188,289.77 less than the maximum amount which could be appropriated under the law. The Indians sharing in this fund reside on six different reservations, as follows:

Reservation.	Area.	Popula- tion.
	<i>Acres.</i>	
Fond du Lac.....	39,567	1,074
Grand Portage.....	24,191	340
Leech Lake.....	105,047	1,738
Nett Lake.....	62,513	590
Red Lake.....	416,088	1,504
White Earth.....	442,231	6,794
	1,089,637	12,040

This is the only fund available for general agency use, as distinct from school purposes; that is, for the support and civilization of the Chippewa Indians of Minnesota residing on the reservations named, and is heavily drawn upon each year for the necessary expenses of administration, salaries and wages, subsistence, clothing, medical supplies, etc., as fully set forth in the above analysis of expenditures for the fiscal year 1919. With the increased cost of practically all commodities, it is believed that the amount asked for will be absolutely necessary to provide for the ordinary and usual activities of the service having to do with the support and civilization of the Indians sharing in this fund.

The CHAIRMAN. We are most of us familiar with this, and if we put it in the bill we will have a fight in the House and probably have it voted out; and if we don't put it in, they will put it in over the Senate and we will have to have a row about it there. So the question is whether we want to have two rows or one.

Mr. MERITT. I don't believe that they will make the same fight this year that they did last year on this item.

The CHAIRMAN. Well, we might let it go in then.

(The clerk read the next item, as follows:)

For payment to Hattie A. McKusick for land purchased for allotment to homeless nonremoval Mille Lac Indians, described as the west half of the northwest quarter of section 8, township 41 north, range 17 west, in Pine County, Minnesota, containing 80 acres, being the difference between the consideration for said land of \$880 and the amount \$236.34 available for its purchase remaining unexpended of the appropriation under the act of August 1, 1914 (38 Stat. L., 591), and for recording fees and expenses incident to said purchase, \$645, to be immediately available.

Mr. MERITT. We offer for the record the following justification:

The act of August 1, 1914 (38 Stat. L., 591), appropriated the sum of \$40,000 for the purchase of lands for allotment to nonremoval Mille Lac Indians, and such purchases have been completed with the exception of the W/2 of the NE/4 of Section 8, Township 41 N., Range 17 W., in Pine County, Minnesota, containing 80 acres, owned by Hattie A. McKusick.

It was found but \$236.34 is available out of said appropriation for the purchase of this land, which is required for allotment under said act of August 1, 1914, supra, leaving a deficiency of \$645.

That will complete that purchase, Mr. Chairman.

The CHAIRMAN. There was no item of that kind carried in the bill last year.

Mr. MERITT. No, sir; it was carried in the bill of August 1, 1914.

Mr. HAYDEN. The reason why you can't pay for this is because the appropriation has lapsed into the Treasury?

Mr. MERITT. Because we have used all the appropriation and this land cost eight hundred and some odd dollars, and there is available \$236.34.

The CHAIRMAN. Why did you buy land beyond the appropriation?

Mr. MERITT. Because we are under obligations to purchase lands for those nonremoval Mille Lac Indians. They are entitled under the law to allotments, but there are not sufficient lands on the White Earth Reservation to provide them with allotments, and we provided for all of the Indians with the exception of this one Indian, and we didn't have quite enough money left to purchase his allotment.

The CHAIRMAN. I think that is a fair statement.

Mr. RHODES. You remember the facts in that case. There was not enough land to go around.

The CHAIRMAN. All right, we will O. K. it.

The clerk will read the next item.

(The clerk read the next item, as follows:)

SEC. 10. For the relief of distress among the full-blood Choctaw Indians of Mississippi, including the pay of one special agent, who shall be a physician, one farmer, and one field matron, and other necessary administration expenses, \$10,000; for their education by establishing, equipping, and maintaining day schools, including the purchase of land and the construction of necessary buildings, and their equipment, \$30,000; for the purchase of lands, including improvements thereon, not exceeding 80 acres for any one family, for the use and occupancy of said Indians, to be expended under conditions to be prescribed by the Secretary of the Interior, for its repayment to the United States under such rules and regulations as he may direct, \$15,000; for the purpose of encouraging industry and self-support among said Indians and to aid them in building homes, in the culture of fruits, grains, cotton, and other crops, \$10,000; which sum may be used for the purchase of seed, animals, machinery, tools, implements, and other equipment necessary, in the discretion of the Secretary of the Interior, to enable said Indians to become self-supporting, to be expended under conditions to be prescribed by the said Secretary for its repayment to the United States on or before June 30, 1925; in all, \$65,000.

Mr. MERITT. We offer for the record the following justification:

Relief of Choctaws in Mississippi.

Fiscal year ending June 30, 1920, unexpended balance from 1919 made available for 1920.

Fiscal year ended June 30, 1919:

Amount appropriated	\$75,000.00
Amount expended	15,363.47

Unexpended balance	59,636.53
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Analysis of expenditures:

Salaries, wages, etc.....	\$1, 673. 00
Traveling expenses.....	361. 06
Transportation of supplies.....	54. 05
Telegraph and telephone service.....	13. 45
Stationery, printing, schoolroom supplies.....	27. 60
Subsistence supplies.....	307. 42
Forage.....	43. 40
Fuel, lubricants, power and light service.....	185. 81
Medical supplies, etc.....	593. 99
Live stock.....	5, 713. 02
Equipment and miscellaneous material.....	4, 350. 75
Seed, fertilizer, etc.....	1, 827. 27
Rent of buildings.....	121. 73
Miscellaneous.....	90. 92
Total.....	15, 363. 47

The Indian appropriation act for the fiscal year 1919 provided the sum of \$75,000, for the relief of the full-blood Choctaw Indians of Mississippi and for their civilization and education. Of this \$75,000, \$25,000 was for the purpose of purchasing seed, animals, machinery, tools, implements, and other equipment necessary, to be repaid to the Government; \$25,000 for the purchase of land for said Indians to be repaid to the Government; \$20,000, for their education by establishing and maintaining day schools, including the purchase of land, and the construction of buildings; and \$5,000, for their relief and distress including the pay of one special agent, who shall be a physician, one farmer, and one field matron. The appropriation act for the fiscal year 1920 reapportioned the unexpended balance of the \$75,000 appropriation for the same purposes for which originally appropriated.

The \$5,000 authorized for the relief and distress of Indians and for the pay of employees is insufficient, as practically that amount is required for the pay of the employees specified and their traveling expenses. The latter item amounts to considerable, as these Indians are scattered over five or six counties and a great deal of traveling is required. After these necessary expenses are incurred there is very little left for the relief and distress of the Indians. Many of these Indians are old and physically unable to earn their living and require help; assistance to others, in case of sickness, is required in the way of subsistence and medical attention.

Of the \$20,000 appropriated for school purposes, two day-school plants are under construction at a cost of approximately \$15,000. After a very thorough investigation the conclusion was reached that at least 8 schools, and possibly 10, would be required to give all the Indians educational facilities. An appropriation of \$30,000 for the construction of new schools and for the maintenance of the two under construction is asked for. This will permit of the construction of three or four schools during the next fiscal year, but will not provide for all the schools required.

Twenty-five thousand dollars was appropriated for the purchase of land for these Indians in the Indian appropriation act for the fiscal year 1919, and the unexpended balance was made available by the appropriation act for the current fiscal year. Fifteen thousand dollars is asked for in this bill for the same purpose. It is possible that the total amount may not be expended, as it can not be stated this far in advance the number of Indians who may want to take advantage of the use of this fund. However, these Indians are urgently in need of homes and consider it advisable to ask for this appropriation, and if the total amount is not required the balance will revert to the Treasury.

The appropriation act for the fiscal year ended June 30, 1919, appropriated \$25,000 for the industrial advancement of these Indians in the purchase of seed, animals, machinery, tools, etc., and the act of the current year made the unexpended balance available. The expenditure of these funds must be handled with due discretion, as the Indians are required to repay the Government for the amount advanced. It is believed that \$10,000 will meet the requirements for the coming year for this purpose.

The CHAIRMAN. Now, tell us in as short a statement as possible the history of this appropriation from the start. What did we put it in the bill for?

MR. MERITT. There are about 1,253 Indians in the State of Mississippi. Those Indians if they had removed to Oklahoma prior to a certain date would have been entitled to share with the Choctaw Indians of Oklahoma. A large number of the Indians of Mississippi did go to Oklahoma and share in that property, but these Indians preferred to remain at their old homes, or else it was impossible for them to make the long trip because of the lack of funds.

THE CHAIRMAN. What was the last year that they had the privilege to join their brothers in Oklahoma?

MR. MERITT. 1898, I think. These Indians insisted on legislation being enacted which would allow them to participate in the property of the Oklahoma Indians, notwithstanding the fact that they had not removed there. That contention was fought vigorously by the Representatives from the State of Oklahoma. It was finally decided that an appropriation should be made to help the Mississippi Choctaw Indians in Mississippi rather than to permit them to share in the property of the Choctaw Indians in Oklahoma, and Congress has been making appropriations for those Indians for several years.

MR. RHODES. When was the first appropriation made for their relief?

MR. HASTINGS. Two years ago.

MR. DALLINGER. Is that the thing that Senator Harrison used to fight for?

MR. HASTINGS. Yes.

MR. RHODES. Why haven't funds been appropriated for the same purpose before?

MR. MERITT. Because they have been spending all their energy in attempting to get legislation which would permit them to share in the property of the Choctaw Indians of Oklahoma.

MR. RHODES. They have been foreclosed now of any right in their property, have they?

MR. MERITT. Yes, sir.

MR. HASTINGS. They have been heard before the courts and have been heard before first one Secretary after another, time after time, and everybody who has ever heard it came to the one conclusion, namely, that they did not have any rights in the funds or property of the Choctaws in Oklahoma. I don't know how many Secretaries of the Interior have decided that, and I don't know how many courts have decided it.

MR. RHODES. On what ground was this appropriation made?

MR. MERITT. On the ground that they needed the assistance of the Government.

MR. RHODES. Is there any legal obligation on the part of the Government?

THE CHAIRMAN. Mr. Rhodes, this is an analogous case with the Seminoles of Florida. It is another place where we went in and picked up a band whose members had decided to take care of themselves. We took the responsibility of the States back into the Government.

MR. RHODES. And we could assign neither treaty nor moral obligations for it?

Mr. MERITT. There is no legal or treaty obligation which requires the Government to make this appropriation, but there is a moral obligation.

Mr. RHODES. What is that moral obligation?

Mr. MERITT. These Indians are, a large part of them, full-blood Indians, and there is an obligation on the part of the Federal Government to aid full-blood Indians if they are in distress, whether there is a legal or treaty obligation or not.

Mr. RHODES. I would call that an act of charity, not a moral obligation. A moral obligation would simply be due to a condition arising because of some fault of the Government.

Mr. HAYDEN. It is urged that the Government is under a moral obligation to assist the Mississippi Choctaw Indians because the agents of the United States who were anxious to remove the Indians from the State of Mississippi, in order that the State might be settled up by white people, used force and fraud to induce them to sign away their rights to the lands and to compel them to go to Oklahoma. There is a long record of the things that were done by agents of the United States imposing on these people at the time that the removal was forced on them.

The CHAIRMAN. And it ended, you see, along in 1898. That is when the final act of commission or noncommission took place. That is when they had their last chance to go along with those who went over to Oklahoma, and they did not choose to go, and when their obligation was wound up with the Government they were no longer a charge on the Government and should have been cared for, in my judgment, by the State of Mississippi—the same experience as we have in the State of New York.

If an Indian gets off of the reservation and becomes disconnected with his tribe, and gets into any sort of trouble and becomes a charge, they don't take him back to the tribe; he is taken care of by the State the same as they would take care of any other pauper, and Mississippi should do the same, and I think Florida should do the same. Now, I am not a party to this arrangement here and I am disposed to clean it out entirely and get rid of it. I think if we did our duty we would eliminate the whole thing and start over and let it go back where it was and let the State of Mississippi take care of its own Indians. I don't see this moral obligation the way some people do; I see the tremendous bill of taxes which is being imposed upon the public by bringing back people who have had full care taken of them and have had their rights protected according to the laws which were enacted at the time the transaction took place.

Mr. RHODES. Upon that theory, then, that appropriation for the benefit of the Seminoles in Florida would not be justified.

The CHAIRMAN. That is the same thing exactly. It applies to the Seminoles just the same.

Mr. RHODES. What I want to see is some substantial ground on which to stand in the defense of these items. I think there has got to be something involved besides a mere act of charity. All mankind have claims upon our charity, so far as that is concerned.

Mr. MERITT. I think this would be a substantial ground upon which to base this appropriation for the Mississippi Choctaw Indians: They at one time occupied large areas of land in Georgia,

Alabama, and Mississippi. They were gradually forced out of the possession of those lands by the white people. Even the agents of the Government sent among those Indians, by the records of the Government, show that they helped defraud those Indians out of their property rights, and the Government has not always, through its agents, acted in good faith with these Indians.

The CHAIRMAN. Mr. Meritt, who took care of these Indians for 20 years?

Mr. MERITT. They took care of themselves as best they could, but a number of them were practically in peonage in Mississippi, working for farmers and simply eking out a miserable existence. The Indian children now are uneducated and the old people are in a serious condition.

Mr. RHODES. Doesn't the same condition apply also among black and poor white people in many other sections of the United States?

Mr. MERITT. I think the black people of Mississippi are much better off than the Indians, because they are accustomed to working on these cotton farms and they know how to make their living; and I believe that the average Negro in Mississippi is better off than the average Mississippi Choctaw.

The CHAIRMAN. Well, if we can't cut it all out, we can certainly reduce it considerably. Since you have only spent \$15,000 of the appropriation, I suggest that, if we leave the item in at all, we change the amount of the item in line 15 from \$10,000 to \$7,500, and that we change the item on page 18 from \$30,000 to \$15,000, and that we strike out all of the lines beginning after the words "thirty thousand dollars" in lines 18, 19, 20, 21, 22, and 23, down to and including "fifteen thousand dollars," and strike out in line 1, page 41, \$10,000 and insert \$7,500, which will bring the item to a total of \$30,000 instead of \$65,000. And in my judgment that will furnish all the money, in addition to what you have unspent, which is necessary for the coming year.

Mr. RHODES. Now, did you refer to the proper page there?

The CHAIRMAN. Pages 43 and 44 I should have said if I did not. If there are no further remarks, we will O. K. that item on that basis and proceed.

(The clerk read the next item, as follows:)

MONTANA.

SEC. 11. For support and civilization of the Indians at Fort Belknap Agency, Montana, including pay of employees, \$20,000.

Mr. MERITT. We offer for the record the following justification:

Support of Indians, Fort Belknap Reservation, Mont.

Fiscal year ending June 30, 1920, amount appropriated-----	\$20,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated -----	20,000.00
Amount expended-----	19,381.26
Unexpended balance -----	618.74

Analysis of expenditures:

Salaries, wages, etc.....	\$8,710.19
Traveling expenses.....	114.94
Transportation of supplies.....	679.04
Telegraph and telephone service.....	10.20
Subsistence supplies.....	3,821.87
Dry goods, clothing, etc.....	2.78
Forage.....	447.00
Fuel, lubricants, power and light service.....	1,850.06
Medical supplies, etc.....	588.56
Equipment and miscellaneous material.....	2,512.94
Miscellaneous.....	355.00
Outstanding liabilities.....	288.68

Total 19,381.26 *

This item is in the same amount as was allowed for the support and civilization of these Indians during the fiscal year 1920. The Indian population of the Fort Belknap Reservation, which has an area of over 600,000 acres, is 1,198, of which number 70 are old and indigent and who are the recipients of rations owing to their physical disabilities and their inability to perform manual labor. These Indians have not yet shown sufficient advancement to warrant the allotting of their lands to them in severalty.

The amount estimated is required for the purchase of subsistence, etc., for issue to the needy, fuel, and illuminants, equipment, forage, medical supplies, pay of necessary employees, and general miscellaneous expenses.

(The clerk read the next item, as follows:)

For support and civilization of Indians at Flathead Agency, Montana, including pay of employees, \$20,000.

Mr. MERITT. We offer for the record the following justification:

SUPPORT OF INDIANS, FLATHEAD AGENCY, MONTANA.

Fiscal year ending June 30, 1920, amount appropriated..... \$20,000.00
Fiscal year ended June 30, 1919:

Amount appropriated.....	20,000.00
Amount expended.....	15,029.41

Unexpended balance 4,970.59

Analysis of expenditures:

Salaries, wages, etc.....	4,283.34
Traveling expenses.....	88.00
Transportation of supplies.....	81.99
Telegraph and telephone service.....	29.52
Stationery, printing, schoolroom supplies.....	.25
Subsistence supplies.....	1,615.06
Forage.....	3,007.20
Fuel, lubricants, power and light service.....	2,064.07
Medical supplies, etc.....	142.03
Equipment and miscellaneous material.....	1,592.59
Miscellaneous.....	1.80
Outstanding liabilities.....	2,123.56

Total 15,029.41

This fund is required for the administration of the affairs of the Indians of the Flathead Reservation, of whom there are 2,452, and of which number 1,765 have been allotted, and is in the same amount as allowed heretofore.

The appropriation, as the analysis of expenditures shows, was used in 1919 for salaries of necessary employees, the purchase of subsistence supplies for issue to the needy, of whom there are 104, forage, fuel and illuminants, medical supplies, equipment, and materials and miscellaneous expenses.

It will be noted that there was an approximate saving of \$5,000 under the fund during the fiscal year 1919, but the full amount requested will doubtless

be required during 1921, owing to the increased cost of commodities and operation of Indian agencies.

(The clerk read the next item, as follows:)

For support and civilization of Indians at Fort Peck Agency, Mont., including pay of employees, \$30,000.

Mr. MERITT. We offer for the record the following justification for this item:

Support of Indians, Fort Peck Agency, Mont.

Fiscal year ending June 30, 1920, amount appropriated_____	\$30,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated_____	30,000.00
Amount expended _____	26,397.45
Unexpended balance _____	3,602.55
Analysis of expenditures:	
Salaries, wages, etc. _____	16,200.49
Traveling expenses _____	1,185.91
Transportation of supplies _____	5.28
Telegraph and telephone service _____	142.35
Subsistence supplies _____	1,429.20
Dry goods, clothing, etc. _____	1.99
Forage _____	317.81
Fuel, lubricants, power and light service _____	2,788.07
Medical supplies, etc _____	783.78
Equipment and miscellaneous material _____	3,424.48
Miscellaneous _____	118.09
Total _____	26,397.45

This appropriation is required for the support of the Fort Peck Agency, which has jurisdiction over 2,031 Indians, all of whom have been allotted, but only 250 have received patents in fee to their allotments. Until such time as the Indians of this reservation are fully competent to care for their property it will be necessary for the Government to continue its guardianship of their affairs.

The fund, as will be noted, is used for the pay of necessary employees, including physician, blacksmiths, farmers, general mechanic, engineers, herders, and laborers, the purchase of subsistence, medical supplies, fuel and illuminants, equipment and miscellaneous materials, and traveling expenses, etc.

(The clerk read the next item, as follows:)

For support and civilization of Indians at Blackfeet Agency, Mont., including pay of employees, \$50,000.

Mr. MERITT. We offer the following justification for this item:

Support of Indians, Blackfeet Agency, Mont.

Fiscal year ending June 30, 1920, amount appropriated_____	\$50,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated_____	50,000.00
Amount expended _____	49,958.15
Unexpended balance _____	41.85
Analysis of expenditures:	
Salaries, wages, etc _____	8,795.70
Traveling expenses _____	9.90
Transportation of supplies _____	497.86
Telegraph and telephone service _____	.87

Analysis of expenditures—Continued.

Stationery, printing, schoolroom supplies.....	\$11. 41
Subsistence supplies.....	29, 934. 00
Dry goods, clothing, etc.....	1, 008. 55
Forage.....	3, 413. 61
Fuel, lubricants, power and light service.....	1, 748. 62
Medical supplies, etc.....	1, 005. 89
Equipment and miscellaneous material.....	2, 389. 55
Outstanding liabilities.....	1, 142. 19

Total 49, 958. 15

This appropriation is used for the administration and support of the Blackfeet Agency and the 2,883 Indians under that jurisdiction. Of the 2,230 Indians allotted on the Blackfeet Reservation 1,740 are holding trust or restricted fee patents.

By reason of the close proximity of the Blackfeet Reservation to the Canadian border, the winters in that section are cold and severe, necessitating considerable assistance being rendered the Indians in the way of rations. Rations were issued to 725 Indians during 1919, of which number 214 were physically incapacitated to provide for themselves. The others receiving rations performed manual labor in payment thereof, such as the construction of roads and other necessary improvements on the reservation.

The remainder of the appropriation, as the analysis shows, is used for the pay of necessary employees, the purchase of forage, fuel, illuminants, medical supplies, equipment, and miscellaneous materials, transportation of supplies and incidental expenses necessary in the conduct of the affairs of the Indians of this large reservation.

(The clerk read the next item, as follows:)

For maintenance and operation, including repairs, of the irrigation systems on the Fort Belknap Reservation, in Montana, \$35,000, reimbursable in accordance with the provisions of the act of April 4, 1910.

Mr. MERRITT. We offer the following justification for this item:

Maintenance and operation, irrigation system, Fort Belknap Reservation, Montana (reimbursable).

Fiscal year ending June 30, 1920, amount appropriated..... \$30, 000. 00

Fiscal year ended June 30, 1919:

Amount appropriated.....	30, 000. 00
Amount expended.....	28, 544. 64

Unexpended balance..... 1, 455. 36

Analysis of expenditures:

Salaries, wages, etc.....	22, 501. 01
Traveling expenses.....	138. 05
Transportation of supplies.....	405. 44
Forage.....	199. 08
Fuel, lubricants, power, and light service.....	882. 60
Equipment and miscellaneous material.....	3, 318. 21
Miscellaneous.....	51. 70
Outstanding liabilities.....	548. 55

Total 28, 544. 64

Indian tribe, Gros Ventre.

Number of Indians, 1,206.

Area of reservation, 536,960 acres.

Irrigation project started, 1896.

Work done by force account, using principally Indian labor.

Area of irrigable land under project, 38,259 acres.

Area of irrigable land under constructed works, 18,800 acres.

Area actually irrigated, 10,840 acres.

Area of irrigable land cultivated by Indians, 10,680 acres.

Area of irrigable land cultivated by lessees, none.
 Area of irrigable land cultivated by white owners, 160 acres.
 Cost of construction to June 30, 1919, \$270,187.96.
 Cost of operation, maintenance, and miscellaneous to June 30, 1919, \$105,-
 138.94.

Operation and maintenance charges are not collected from water users.

Estimated additional cost to complete, \$79,000.

Estimated cost per acre when completed, \$12.

Average value of irrigated land per acre, \$30 to \$100.

Average annual precipitation, 13 inches.

Source of water supply, Milk River and tributaries.

Crops produced, hay, wheat, oats, rye, potatoes.

Market for products, local, fair.

Distance from railroads, 2 to 40 miles.

This sum is required for the maintenance and operation of the system which comprises six units, with a total of 104 miles of canals and laterals. Provision is made also for extensions of the system as they become necessary. Parts of this system have been constructed for some time and the wooden structures first employed require prompt replacement as they become useless, in order to maintain the efficiency of the system. These annual replacements become a considerable part of the maintenance charge.

The CHAIRMAN. We want to discuss that item.

Mr. HAYDEN. I notice that all of the land irrigated is cultivated by Indians; that you have 18,800 acres uncultivated and 10,840 acres in cultivation. Apparently the Indians are not using about 10,000 acres of land that they could cultivate if they were so inclined.

Mr. MERITT. There are 8,000 acres there that is not being used.

The CHAIRMAN. Well, is there any possibility of getting those 8,000 acres used, or any part of them, by the Indians?

Mr. MERITT. It will probably be necessary to lease a part of this land in order to get it under cultivation.

Mr. RHODES. I think I recall having asked Mr. Shipe this question: If there was any prospect in the immediate future of a demand arising for the use of the lands, either among white people or Indians, and he said that he saw none.

The CHAIRMAN. Well, they are asking for an increase here, Mr. Rhodes.

Mr. RHODES. And that is why I raise the point. If there is nobody there to use the land, and no prospects for anybody making a demand for its use in the immediate future, what is the use to increase the appropriation?

Mr. MERITT. In view of the showing made, we will try to get along with the amount appropriated last year.

The CHAIRMAN. We will reduce it to \$30,000, the same as last year.

Now, I want to make one suggestion. This says: "Operation and maintenance charges are not collected from water users." Of course this now will come under our new provision, and some arrangement will be made for the collection of an amount that would go to the reimbursement of the main system?

Mr. MERITT. Yes, sir.

The CHAIRMAN. All right; we will O. K. that. That is one of the items that we will approve.

(The clerk read the next item as follows:)

For fulfilling treaties with Crows, Montana: For pay of physician, \$1,200; and for pay of carpenter, miller, engineer, farmer, and blacksmith (article 10, treaty of May 7, 1868), \$3,100; for pay of second blacksmith (article 8, same treaty), \$1,200; in all, \$5,500.

Mr. MERITT. We offer for the record the following justification for this item:

Fulfilling treaties with Crows, Montana.

Fiscal year ending June 30, 1920, amount appropriated-----	\$5, 500
Fiscal year ending June 30, 1919:	
Amount appropriated-----	5, 500
Amount expended-----	4, 505
Unexpended balance-----	995
Analysis of expenditures, salaries, wages, etc-----	4, 505

This is a treaty item and is required for the purpose of fulfilling the obligations of the United States under the treaty of May 7, 1868, ratified July 25, 1868 (15 Stat., L. 649), whereby the Government agreed to furnish the Crow Indians certain employees. Article 10 of said treaty provides:

"The United States hereby agrees to furnish annually to the Indians, the physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths as herein contemplated, and that such appropriation shall be made from time to time on the estimates of the Secretary of the Interior as will be sufficient to employ such persons."

Article 8 of the aforesaid treaty provides inter alia that—

"Such persons as commence farming shall receive instructions from the farmer herein provided for, and whenever more than 100 persons shall enter upon the cultivation of the soil a second blacksmith shall be provided, with such iron, steel, and other material as may be required."

The appropriation was used in 1919 in the employment of a physician and the necessary industrial employees provided for by the treaty.

There appears to be no limitation in time and said provisions continue in force.

Mr. HAYDEN. I want to ask Mr. Meritt whether he has had time to prepare the legislation that was suggested with respect to capitalizing these treaty items.

Mr. MERITT. We have authority under existing law to capitalize, but the reason we have not capitalized these treaty items is because it would be very difficult to get the appropriations from Congress. It would cost about 25 times the amount of the treaty, which would run up to an enormous amount.

Mr. HAYDEN. At that, it is poor business to continue these payments indefinitely, and the suggestion was made that while it might not be advisable to capitalize the entire amount, that there were instances where it should be done.

The CHAIRMAN. They have agreed to take up a study of those treaties and see if they can't be modified, and that, of course, will be done.

Mr. HAYDEN. Then you will bring this matter to the attention of the committee next year?

The CHAIRMAN. They will bring it to the attention before next year.

The clerk will read the next item.

(The clerk read the next item, as follows:)

For subsistence and civilization of the Northern Cheyennes and Arapahoese (agreement with the Sioux Indians, approved February 28, 1877), including Northern Cheyennes removed from Pine Ridge Agency to Tongue River, Mont., and for pay of physician, two teachers, two carpenters, one miller, two farmers a blacksmith, and engineer (article 7, treaty of May 10, 1868), \$80,000.

Mr. MERITT. We offer for the record the following justification:

Support of Northern Cheyennes and Arapahoes, Mont.

Fiscal year ending June 30, 1920; amounted appropriated.....	\$80,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated.....	80,000.00
Amount expended.....	74,651.62
Unexpended balance.....	5,348.38
Analysis of expenditures:	
Salaries, wages, etc.....	24,705.48
Traveling expenses.....	190.71
Transportation of supplies.....	3,714.60
Telegraph and telephone service.....	45.69
Stationery, printing, schoolroom supplies.....	50.60
Subsistence supplies.....	19,365.39
Forage.....	2,070.98
Fuel, lubricants, power and light service.....	3,561.52
Medical supplies, etc.....	937.74
Live stock.....	2,341.80
Equipment and miscellaneous material.....	5,863.07
Care and education of pupils in Mission School.....	2,847.58
Miscellaneous.....	935.06
Outstanding liabilities.....	8,021.40
Total	74,651.62

The amount requested is the same as appropriated for the fiscal year 1920 and is for the purpose of fulfilling obligations assumed by the United States under the treaty of May 10, 1868 (15 Stat. L., 655), and agreement February 28, 1877 (19 Stat. L., 254).

Article 7, treaty of May 10, 1868, reads as follows:

"The United States hereby agrees to furnish annually to the Indians who settle upon the reservation, a physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths, as herein contemplated, and that such appropriations shall be made from time to time on the estimates of the Secretary of the Interior as will be sufficient to employ such persons."

In the fifth article of the agreement of February 28, 1877, the United States agreed to provide all necessary aid to assist the Indians in the work of civilization and to furnish subsistence and certain specified rations. As will be seen, no amount is mentioned or specific period fixed.

Article 5 of the aforesaid agreement of February 28, 1877 (19 Stat. L., 254), reads as follows:

"In consideration of the foregoing cession of territory and rights, and upon full compliance with each and every obligation assumed by the said Indians, the United States does agree to provide all necessary aid to assist the said Indians in the work of civilization, to furnish to them schools and instruction in mechanical and agricultural arts, as provided for by the treaty of 1868. Also to provide said Indians with subsistence consisting of a ration for each individual of a pound and a half of beef (or in lieu thereof one-half pound of bacon), one-half pound of flour and one-half pound of corn; and for every one hundred rations four pounds of coffee, eight pounds of sugar, and three pounds of beans, or in lieu of said articles the equivalent thereof in the discretion of the Commissioner of Indian Affairs. Said rations, or so much thereof as may be necessary, shall be continued until the Indians are able to support themselves. Rations shall in all cases be issued to the head of each separate family; and whenever schools shall have been provided by the Government for said Indians, no rations shall be issued for children between the ages of six and fourteen years (the sick and infirm excepted) unless such children shall regularly attend school. Whenever the said Indians shall be located upon lands which are suitable for cultivation, rations shall be issued only to the persons and families of those persons who labor (the aged, sick, and infirm excepted) and as an incentive to industrious habits the Commissioner of Indian Affairs may provide that such persons be furnished in payment for

their labor such other necessary articles as are requisite for civilized life. The Government will aid said Indians as far as possible in finding a market for their surplus production and in finding employment, and will purchase such surplus, as far as may be required, for supplying food to those Indians, parties to this agreement, who are unable to sustain themselves; and will also employ Indians, so far as practicable, in the performance of Government work upon their reservations."

The Indians benefiting under this appropriation are 2,267 in number, of whom 1,416 are Northern Cheyennes under the jurisdiction of the Shoshone Agency, Wyo.

The appropriation as the analysis shows was used in 1919 for the employment of necessary employees contemplated by the aforesaid treaty, in the purchase and transportation of subsistence supplies for issue to the Indians in accordance with article 5 of the agreement of February 28, 1877, with the Indians, the purchase of forage, fuel, and illuminants, medical supplies, live stock, the care and education of Indian children in mission schools, and miscellaneous expenses in the administration of the two agencies having supervision over these Indians.

While an unexpended balance of approximately \$5,500 is shown for the year 1919, the full amount authorized for 1920 and requested for 1921 will doubtless be required in view of the present high cost of subsistence, miscellaneous supplies, and other items of expense arising in the support and civilization of these Indians.

The CHAIRMAN. For the purpose of information in the hearings, I want to ask about the farmers and the blacksmiths and the engineer. Is it money actually spent for farmers, blacksmiths, and engineers; and if so, are they paid the same amounts that they were paid when this item was fixed?

Mr. MERITT. We have one sawyer, one engineer, one blacksmith, and one carpenter paid out of this appropriation. The sawyer gets a salary of \$1,000, the engineer \$900, blacksmith \$840, and the carpenter \$900. As the usual thing, however, most of these enumerated employees in the treaty items are not employed, but we have specific authority to divert those funds for other purposes with the consent of the tribe.

The CHAIRMAN. Well, that is what I wanted to get in the record, so that in case the question came up we would know about it.

(The clerk read the next item, as follows:)

For the employment of "line riders" along the southern and eastern boundaries of the Northern Cheyenne Indian Reservation in the State of Montana, \$1,500.

Mr. MERITT. We offer for the record the following justification.

Line riders, Northern Cheyenne Reservation, Mont.

Fiscal year ending June 30, 1920, amount appropriated-----	\$1,500
Fiscal year ended June 30, 1919:	
Amount appropriated-----	1,500
Amount expended-----	1,500
Analysis of expenditures—salaries, wages, etc -----	1,500

The principal activity of the Indians of the Northern Cheyenne Indians on the Tongue River Reservation, in Montana, is live-stock grazing. The individual Indians own about 6,000 head of cattle and 6,000 horses, and the tribal herd now numbers about twelve hundred head. The line riders are required to assist the superintendent of live stock in caring for the live stock and to ride the fences and see that they are kept in satisfactory condition, so as to prevent their animals from straying from the reservation.

(The clerk read the next item as follows:)

For the support and civilization of the Rocky Boy Band of Chippewas, and other indigent and homeless Indians in the State of Montana, including pay of employees, \$10,000.

Mr. MERITT. We offer for the record the following justification:

Support of Rocky Boy's Band of Chippewas and other Indians, Montana.

Fiscal year ending June 30, 1920, amount appropriated-----	\$10,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	10,000.00
Amount expended-----	9,963.55
Unexpended balance-----	36.45
Analysis of expenditures:	
Salaries, wages, etc-----	2,782.00
Traveling expenses-----	37.27
Transportation of supplies-----	150.82
Telegraph and telephone service-----	.20
Subsistence supplies-----	5,900.84
Forage-----	561.85
Fuel, lubricants, power, and light service-----	111.32
Medical supplies, etc-----	18.66
Equipment and miscellaneous material-----	346.04
Miscellaneous-----	54.55
Total-----	9,963.55

This appropriation is required for the support and civilization of 451 Indians of the old Rocky Boy Band of Chippewas who until recent years led a nomadic life with no fixed place of abode.

The majority of these Indians since their establishment on a reservation set apart for their use are making an effort to become self-supporting by selecting farms, fencing and putting in crops, and a number of them are building houses on lands selected by them and availing themselves of the reimbursable plan for acquiring stock and implements necessary on their farms.

As will be noted from the analysis of expenditures, a large part of the appropriation was used during the fiscal year 1919 in the purchase of subsistence supplies for issue to the old and indigent Indians of this band and for labor performed by able-bodied Indians in lieu of rations. Until these Indians have acclimated themselves to their present mode of living and have advanced in their industries, it will be necessary for the Government to aid them as far as possible, as they have no tribal funds to their credit.

The balance of the appropriation is used for the pay of necessary employees and the purchase of miscellaneous supplies required in the administration of the agency.

(The clerk read the next item, as follows:)

For continuing construction, maintenance, and operation of the irrigation systems on the Flathead Indian Reservation, in Montana, \$1,000,000 (reimbursable), to remain available until expended.

Mr. MERITT. We offer for the record the following justification:

Irrigation systems, Flathead Reservation, Montana (reimbursable).

Fiscal year ending June 30, 1920, amount appropriated-----	\$375,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	375,000.00
Amount expended-----	307,158.77
Unexpended balance-----	67,841.23

Analysis of expenditures:

Salaries, wages, etc.....	\$173,424.56
Traveling expenses.....	2,154.74
Transportation of supplies.....	4,598.04
Telegraph and telephone service.....	113.95
Stationery, printing, schoolroom supplies.....	45.07
Subsistence supplies.....	20,757.71
Dry goods, clothing, etc.....	618.52
Forage.....	32,540.05
Fuel, lubricants, power and light service.....	15,457.88
Medical supplies, etc.....	121.56
Equipment and miscellaneous material.....	30,156.94
Washington, Denver and field expenses, United States Reclamation Service.....	15,237.36
Miscellaneous.....	11,932.39
Total.....	307,158.77

Indian tribe, Confederated Flathead.

Number of Indians, 2,410.

Area of reservation, 228,408 acres.

Irrigation project started, 1908.

Work done by Reclamation Service.

Area of irrigable land under project, 134,500 acres.

Area of irrigable land under constructed works, 91,000 acres.

Are actually irrigated, 32,671 acres.

Area of irrigable land cultivated by Indians: 3,267 acres.

Area of irrigable land cultivated by lessees: 6,534 acres.

Area of irrigable land cultivated by white owners: 22,870 acres.

Cost of construction to June 30, 1919, \$3,411,954.29.

Cost of operation, maintenance, and miscellaneous to June 30, 1919, \$263,-571.32.

Estimated additional cost to complete, \$2,641,000.

Estimated cost per acre when completed, \$45.

Average value of irrigated land per acre, \$100.

Average annual precipitation, 16 inches.

Source of water supply: Numerous streams.

Crops produced: Alfalfa, wheat, oats, potatoes.

Market for products: Local and general; good.

Distance from railroad: Railroad through project.

This sum is requested for continuing the construction, operation, and maintenance of the Flathead irrigation system. The program, as outlined by the Reclamation Service for the fiscal year 1921, includes investigations and surveys covering private water rights, hydrometric work on the project, the completion of McDonald Lake Reservoir, increasing the capacity of Nine-pipe Reservoir from its present capacity of 5,000 acre-feet to 15,500 acre-feet, the construction of Hubbart Reservoir in the Camas division, and the extension, enlargement and improvement of the canal and lateral systems, and operation and maintenance of the entire system.

The CHAIRMAN. We want to go into this rather deeply, and yet not consume too much time, because we have investigated this very carefully, I think, heretofore, and considering the testimony given by the Secretary of the Interior here yesterday, and considering the fact that there is under construction now 91,000 acres, actually irrigated 27,000 acres, and the items of the amounts under cultivation are not carried out.

Mr. MERITT. We have actually irrigated 32,671 acres; area of irrigable lands cultivated by Indians, 3,267; area of irrigable lands cultivated by lessees, 6,534; area of irrigable lands cultivated by white owners, 22,870 acres.

That information was not available until after that book had been furnished you.

The CHAIRMAN. What did you say about the white acreage?

Mr. MERITT. Irrigable lands cultivated by white owners, 22,870 acres.

The CHAIRMAN. And how much by Indians?

Mr. MERITT. Three thousand two hundred and sixty-seven; and by lessees, 6,534. Total actually irrigated 32,671 acres.

The CHAIRMAN. So that all the acreage is not taken up?

Mr. MERITT. And the area of irrigable lands under constructed works is 91,000 acres, leaving nearly 60,000 acres of irrigable land that is not being cultivated.

The CHAIRMAN. And as I was saying, the Secretary of the Interior in his testimony yesterday agreed with us that projects of this kind which were considerably ahead of the requirements ought not to be progressed at this time. It would seem to me that the only appropriation we would be justified in making would be that part of the amount which is needed for the maintenance and operation of such part of the project as would supply the users of water, and perhaps the further amount to keep a reasonable portion of the project in a state of nondeterioration. Now, let us see if we can find out what we need for maintenance and operation.

The cost of maintenance to date has been \$263,571 on an expenditure of \$3,411,954.29. That is about 8 per cent, as I see it, roughly.

Mr. HAYDEN. It started in 1908.

The CHAIRMAN. Have you anything to show what the cost of maintenance and operation was last year?

Mr. MERITT. We haven't it segregated by years.

The CHAIRMAN. There must be an amount added per annum somewhere. What did the total amount show in 1919?

Mr. MERITT. The operation and maintenance in last year's hearings was given as \$200,529.91; this year. \$263,571.32.

The CHAIRMAN. Now, subtract that and see what that would amount to.

Mr. MERITT. \$63,041.39.

The CHAIRMAN. Well, then, Mr. Rhodes, it is disclosed that about \$65,000 is required up there for the maintenance and operation of the 91,000 acres which are under water. Now, we are using 32,000 acres of the 91,000 acres. From your investigation, how much of the project do you think we ought to maintain and operate in addition to the 32,000 acres?

Mr. RHODES. My opinion of that proposition is simply this: We are justified and should appropriate a sufficient sum to meet the requirements of the land which is actually irrigated; and, in addition to that, we should appropriate no more money than is actually necessary to keep up the maintenance charges in such a way that the project as a whole, applied to the unused parts of the project, may not deteriorate. I make that statement because it is conceded by all hands that there is a large percentage of that project which is not only unused but which is not necessary at this time. It has been brought up far in advance of the necessities.

Now, I would like to ask Mr. Meritt this question: How much, in your opinion, of this estimate here is actually required to preserve that part of the project which is not being used to furnish water on lands actually irrigated from deterioration?

Mr. MERITT. Mr. Chairman, I would ask that these irrigation items go over until we can have Mr. Davis, of the Reclamation Service, before the committee.

The CHAIRMAN. We have heard Mr. Davis, and we have his testimony absolutely on this project.

Mr. MERITT. They are constructing these projects, and it would be only fair, it seems to me, that they should be heard on their estimates.

The CHAIRMAN. Mr. Davis practically took the same position the Secretary of the Interior did here yesterday, that we should not go extensively beyond the requirements—the necessity.

Mr. MERITT. I am in sympathy with that idea, but Mr. Davis is the engineer in charge of this work and I would prefer that he answer those technical questions rather than myself.

The CHAIRMAN. After seeing how near the Secretary of the Interior agreed with my thought on this project yesterday, neither Mr. Davis nor anyone else could convince me that we should expend one more penny up there except just as Mr. Rhodes has stated, for the purpose of operating and maintaining that part which is furnishing water to actual acreage, and such amount as will keep the plant from too much deterioration until such time as they can come to it.

Mr. MERITT. Mr. Davis would be better qualified to answer that question than I would, or Mr. Reed, of our Indian Service. Mr. Davis will be better qualified to answer it than anyone in the Indian Service, inasmuch as he is charged with the responsibility of doing that work.

The CHAIRMAN. Well, my idea would be that we would be very liberal if we put that in at \$100,000.

Mr. RHODES. I am in favor of accepting an amendment reducing that to \$100,000, with this understanding: If it can be shown that that sum is inadequate in order to meet such conditions as have been pointed out, it might then be increased.

The CHAIRMAN. I think if we make it \$100,000 we will find that we will be justified in our action, so far as the House is concerned.

Mr. RHODES. I move that that be reduced to \$100,000.

The CHAIRMAN. If we are wrong about this they will find another place where it can be corrected.

Mr. MERITT. Mr. Chairman, would it be possible to pass over these items, these irrigation items, until I can have Mr. Davis present, because they would never be satisfied if these items should be cut in their absence? I know it is the intention of the committee to cut very radically and very materially these irrigation items, but I would prefer that it be done when they are here, rather than that the responsibility should fall on me for those items being cut when they are not present. I will appreciate it if it can be passed over until you can get them here.

The CHAIRMAN. Well, if Mr. Davis—I have no objection, if he can come here to-morrow morning.

Mr. MERITT. I will try to get Mr. Davis here to-morrow morning.

The CHAIRMAN. But if he can not come to-morrow morning, we will have to go ahead.

Mr. RHODES. Then I will withdraw my motion for the time being.

The CHAIRMAN. Then we will pass Fort Peck, Blackfeet, and Crow, and begin on page 49.

Mr. RHODES. Now, as I understand it, you are passing all three of these big projects?

The CHAIRMAN. Yes. I wish you would be here early in the morning, and we will have Mr. Davis here if possible.

The clerk will read the next item, page 49.

(The clerk read the item as follows:)

For the expenditure of \$15,000 in part payment for construction of a public-school building within the town site of Browning, Mont., on the Blackfeet Indian Reservation: *Provided*, That Indian children shall at all times be admitted to said public school on an entire equality with white children.

Mr. MERITT. We offer for the record the following justification:

A State public-school district has for some years organized and operated its public schools within the town of Browning. The town site has recently been opened under the provisions of the act of March 1, 1907 (34 Stat L., 1035-9).

The Blackfeet Agency is located at Browning, but there are no Government day or boarding schools there. The public-school district has accommodated the Indian children to the number of approximately 150 each year, for whom tuition has been heretofore paid by the Federal Government at a customary rate per pupil per day. In addition to the Indian children, a few white children have been in attendance. A small building, formerly a Government day school, has been used to accommodate all of these children.

It is estimated that the proposed new building of six or eight classrooms will cost \$40,000, of which amount the public-school district is to raise \$25,000 provided the Federal Government will contribute \$15,000.

This proposed new public-school building would be of great benefit to the Indian children and the project is a meritorious one.

This is a recently opened town site on the Blackfeet Reservation, where all of our administrative activities are located on that reservation. A large percentage of the children who would attend this school will be Indians, and this will be a very good business proposition for the Government to contribute \$15,000 to this building. I will say that probably 75 per cent of the children attending that school will be Indian children, who are wards of the Government.

The CHAIRMAN. Where do they go to school now?

Mr. MERITT. A good number of them are without school facilities. We have a boarding school within a few miles of this agency, where some of them attend.

The CHAIRMAN. How many scholars do you think you can put into a school up there?

Mr. MERITT. We think that we can probably but 150 children in that public school.

The CHAIRMAN. What are the public-school facilities up there?

Mr. MERITT. The public-school facilities are now entirely inadequate. They have no school building to speak of. They have a small building there, but this new building is needed to accommodate the children.

The CHAIRMAN. Well, is there an obligation on the part of the State to care for all the Indian children who are there?

Mr. MERITT. No, sir; but the State is willing to cooperate with the Federal Government and have white children and Indian children attend the same school.

The CHAIRMAN. Well, the only objection I have to that item is the objection that we seem to already have most everywhere, too many schools. How near to this point has the Government any schools?

Mr. MERITT. We have a boarding school conveniently near this town. It is about four or five miles from the Blackfeet Agency.

The CHAIRMAN. And this is in a sort of a town?

Mr. MERITT. It is in a small town.

The CHAIRMAN. And you think if there are 150 children there—I think you said 150 children could be gotten into this school?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Now, who is going to pay for the operation of the school?

Mr. MERITT. We will probably be called upon to pay a small tuition for the Indian children, to help maintain the school.

The CHAIRMAN. But all that you are asking us to do now is to pay one-third of the cost of the building?

Mr. MERITT. \$15,000 toward a building that will cost \$40,000 to construct.

The CHAIRMAN. You are asking us to pay approximately one-third of the cost of the building, and there will be no other obligation except if we put pupils in there we will pay a per diem for each pupil? I don't see how, if there are that many Indian children there, that we can turn down a proposition of that kind.

Mr. MERITT. Our records show that there are 372 Indian children of school age on the Blackfeet Reservation now without school facilities.

The CHAIRMAN. But they may be scattered over a very large area. That census, of course, covers the whole tribe and this is just one village in one section of the reservation.

Mr. MERITT. This is the headquarters for the reservation, and a large number of Indians live in that vicinity.

Mr. HERNANDEZ. There are several schools, aren't there, in the reservation?

The CHAIRMAN. Yes, there are a great many day schools there; that is why I asked how near this was to some of the other schools; some of them with only a very few pupils in them.

Mr. HERNANDEZ. It would be cheap if you could take care of 150 for that amount.

Mr. MERITT. We have two day schools on that reservation and one boarding school. The average attendance at the boarding school is 72, and the average attendance at the two day schools is 15 and 16; and there is a mission boarding school with an average attendance of 76.

The CHAIRMAN. I see the capacity here of those day schools is 30 each. They are about half filled.

Mr. MERITT. The Indian children don't attend school as regularly as they should. There is a constant effort to keep them in school.

The CHAIRMAN. Now, how far is this school, Harte Cutte and Old Agency day school from the point you desire to establish this new school?

Mr. MERITT. Quite a distance.

The CHAIRMAN. Ten miles?

Mr. MERITT. They are so far apart that the children attending those schools could not conveniently attend the school at the Blackfeet Agency.

The CHAIRMAN. What would be the nature of the roads, the trails, between those schools?

Mr. MERITT. The roads on the Blackfeet Reservation are in bad condition.

The CHAIRMAN. Well, there are roads, though?

Mr. MERITT. There are roads out on the reservation, but they are not anything like public roads. They are simply trails across the reservation.

The CHAIRMAN. Well, now, you think that this is an absolute necessity in order to take care of the children in that particular village and locality?

Mr. MERITT. I do, and I think it is a splendid business proposition for the Government, and also a splendid opportunity for those Blackfeet Indian children.

The CHAIRMAN. You say that as a business proposition you think it is a splendid opportunity because you expect that unless we take advantage of this opportunity we will eventually have to build a school there wholly at Government expense?

Mr. MERITT. It is the duty of the Government to provide school facilities for the Blackfeet Indian children; and inasmuch as we have over 300 children on that reservation now without school facilities, this will take care of those children at very small expense, and it is much cheaper for the Government to send Indian children to the public schools than to send them to boarding school; also they will get the advantage of being in a high-grade public school where they will come in contact with white children.

Mr. HERNANDEZ. They learn faster in that way.

The CHAIRMAN. All right, I will O. K. it and try to justify it. The clerk will read.

(The clerk read the next item as follows:)

The Indians of the Fort Peck Reservation in Montana entitled to allotments under existing laws may select lands classified as coal and receive patents therefor in accordance with the act of May 30, 1908 (35 Stat. L., p. 558), with a reservation, however, to the United States of the coal deposits therein and of the right to prospect for, mine, and remove the same.

Mr. MERITT. We offer for the record the following justification:

The act of August 1, 1914 (38 Stat., 593), authorized allotments on the Fort Peck Reservation to unallotted children so long as there are any undisposed of surplus tribal lands, but difficulty is being experienced in allotting desirable lands under said act, inasmuch as a large part of the coal area embraces agricultural land which, however, under existing law is not subject to allotment to the Indians.

While the act of May 30, 1908 (35 Stat., 558), opening the reservation to settlement and entry, authorized mineral entries, yet not until the passage of the act of February 27, 1917 (39 Stat. L., 944), was authority granted for agricultural entry of the surface of these coal lands. The latter act provides for the agricultural entry of surplus coal lands of Indian reservations, otherwise subject to settlement and entry, after such lands have been classified and appraised as to their value, exclusive of the coal therein, with a reservation, however, to the United States of the coal deposits and of the right to prospect for, mine, and remove the same.

A large number of Indians of the Fort Peck Reservation, through a misapprehension of their rights, selected lands under the act of August 1, 1914, within the surplus coal area, and in some cases improvements have been placed on the selections so made. To confine allotment selections under this act to nonmineral lands works a hardship, as practically all good nonmineral lands of the reservation have heretofore been allotted under the act of May 30, 1908, or otherwise disposed of.

As matters now stand, settlers are given greater rights than the Indians, notwithstanding the fact that the reservation was created for the Indians by treaty. The situation is one, therefore, that should be promptly adjusted.

Mr. Chairman, you will note that under existing law the lands of the Fort Peck Reservation have been thrown open to settlement, and under legislation enacted by Congress the Indians of the Fort Peck Reservation are not permitted to select their allotted lands within this coal area, but the white people are permitted to select homesteads within this coal area, reserving the minerals for the benefit of the Government. We are asking for legislation here which will place the Indians on the same footing as white homesteaders in taking up lands on the Fort Peck Reservation.

The CHAIRMAN. What will it do with the white homesteaders who are already on there?

Mr. MERITT. That will not affect their homestead rights. There are lands that have not yet been taken up, and we want the Indians to be given the opportunity to take the surface of the lands within this coal area.

The CHAIRMAN. What Indians will be benefited by that, what particular tribe of Indians?

Mr. MERITT. The Fort Peck Indians. Some of those Indians have not yet taken their allotments, and under existing law, as Indians are born they can take allotments as long as there are surplus lands remaining.

Mr. HAYDEN. Are these lands within their present reservation or on the public domain outside of the reservation?

Mr. MERITT. They are within their present reservation.

Mr. HAYDEN. The language says the Fort Peck Indians may select lands classified as coal lands. Now, are there many areas of lands classified as coal on the public domain?

Mr. MERITT. Well, you will see that it has reference to the act of May 30, 1908, and that refers to lands within the Fort Peck Reservation.

The CHAIRMAN. One of the intricacies of this thing that I don't understand is, these questions of allotments and values under the ground, oil, etc., and I don't feel competent to pass upon those questions, and I want the men who are familiar with that sort of thing in the Indian country to give us the benefit of their knowledge with regard to those provisions.

Mr. HAYDEN. Why should the reservation be to the United States? Should not the reservation be to the Fort Peck Indians? It is their reservation.

Mr. MERITT. The Government will sell these minerals, and the proceeds will be deposited to the credit of the tribe, rather than to permit an Indian to select a mineral allotment. We simply allow him to select—we propose to allow him to select the surface and reserve the minerals for the benefit of the tribe at large.

Mr. HAYDEN. Is the land that has been classified as coal in that part of the Fort Peck Reservation which also contains timber?

Mr. MERITT. I don't think the coal area is in the timber reserve.

Mr. HASTINGS. Now, in the Choctaw country you had approximately 445,000 acres of this coal land which was reserved. You reserved practically all the surface and you allotted the surface and

reserved the coal land. You reserved the coal deposits there to the Choctaws; here you reserve it to the United States.

Mr. MERITT. Well, we reserve it to the Government.

Mr. HASTINGS. You ought to say, ought you not, for the use of the Fort Peck Indians?

The CHAIRMAN. Now, gentlemen, we have gotten down to a pretty small body, and the hour is growing late, and I think we will recess until to-morrow morning, but I want to have it understood that the chairman of the committee and the committee itself is not asking Mr. Davis to come here to-morrow morning. If he comes, we will be glad to hear him, and you can qualify him and ask him any questions you desire, but I think we already have sufficient information from Mr. Davis to warrant us in using our best judgment in regard to those three or four northern projects. However, I am perfectly willing to have him come at your suggestion.

Mr. MERITT. Thank you, Mr. Chairman.

(Thereupon, at 5.05 o'clock p. m., the committee adjourned to 10 a. m., December 13, 1919.)

COMMITTEE ON INDIAN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, December 13, 1919.

The subcommittee met at 10 o'clock a. m., Hon. Homer P. Snyder (chairman) presiding.

The CHAIRMAN. We will proceed with the hearing and return to page 45, line 17, unless there is something that was omitted that should be first put into the record.

Mr. RHODES. The first thing would be for Mr. Meritt to offer what he had for the record this morning.

Mr. MERITT. Mr. Chairman, I was requested to redraft the proviso relating to reimbursing the Government for moneys advanced in connection with the irrigation items generally. I have the following which I believe should go into the bill in connection with the general irrigation item, which is the second item in the bill:

Provided further, That no reimbursable moneys appropriated in this act for irrigation purposes shall be used for any other purpose than operation and maintenance until such time as the Secretary of the Interior shall prescribe rules and regulations for the payment of the per-acre charge by all the users of water under the project to apply on the reimbursement of the total amount expended.

The CHAIRMAN. That is all right, except it does not fix any date as to when the payments shall begin. I think there ought to be a section inserted to the effect that, where the law permits, arrangements for reimbursements should begin at a fixed period. We do not say just what it shall be, whether beginning with July 1, 1921, or July, 1922, but I expect that some of the laws prescribe when payments shall be made, and perhaps some of them that no payments shall be made, so if we leave it general and do not fix any time the Secretary of the Interior could make arrangements with the Indians on any reservation that the payments should not begin for 10 years. Am I correct in that assumption under that provision?

Mr. RHODES. You are correct in that construction of the matter, but the original idea seems to go further than to advance the expen-

diture of those funds for irrigation purposes until the charge was fixed. Your idea seems to be, Mr. Snyder, that none of these appropriations could be expended until the per acre charge imposed by the rules and regulations of the secretary were prescribed, that being the only condition in the meantime.

The CHAIRMAN. I had in mind that payments should begin to be made before any further money is expended, and I may have to modify that, but it was in my mind that we should not spend any more money in the development of those plans until some arrangement had been made and some money was actually being paid in to liquidate the reimbursable charge.

Mr. RHODES. That is correct. Perhaps it can be fixed in the same amendment.

The CHAIRMAN. I hope Mr. Meritt can suggest some language here as to whether that could be done.

Mr. MERITT. Would this language meet your thought?

Provided further, That payments shall be begun on the said irrigation projects within ——— years after the date of the passage of this act, and all acts or parts of acts in conflict herewith are hereby repealed.

The CHAIRMAN. That would meet my idea if it can be done.

Mr. HAYDEN. It seems to me, Mr. Chairman, that the conditions vary so much under different projects that it would be very hard to lay down a rigid rule and make it apply to all of them. Certainly, it ought to be the desire of Congress to compel every water user who is receiving all the facilities for irrigation that he ever will receive to begin payments. Upon the other hand, it would not be fair to provide that upon a certain date after the passage of this act every water user must begin payments.

The CHAIRMAN. I appreciate that can not be done, and I have never had any such thing in my mind. I know that the Secretary of the Interior in his good judgment will attempt to carry out any law that we make here, and if we leave it somewhat elastic we can depend upon his good judgment to see that those who ought to pay are made to pay, and those who can not are permitted to continue until such time as they can pay. The only thing I see about that now is if we can fix it so that those who are able to pay shall be forced to begin to pay within the next 6 or 8 months. That is what I have in my mind.

Mr. RHODES. There is only one way that the idea of elasticity can operate to permit payments to be made in some cases and not in other cases, which would be to give the Secretary that instruction.

The CHAIRMAN. Why can not we say, then, that we give him the authority to make these arrangements and that he shall report on all such contracts on or before December 1 of next year, without putting any date in there at all as to when they shall begin to pay; that he shall report on or before December 1 of next year such arrangements as he has made, and that he shall not make any arrangement for the beginning of the payments on irrigation schemes that require a later date than 12 months from now in the beginning of the payments; then, if there are such these will be reported back, and in the meantime you could not use any of the money until such an arrangement is made.

Mr. HAYDEN. Supposing, Mr. Chairman, that we added at the end of this proviso language to this effect:

and that said Secretary is hereby directed to report to Congress on the first Monday in December, 1921, the steps that he has taken to secure repayment of the construction charge on the various Indian irrigation projects.

Then we would have before us, when we take up the next Indian bill, a statement from the Secretary as to the projects where he had required a payment, and we would know the others he had not, and could inquire why he had not.

The CHAIRMAN. I think it is perfectly safe because we are not going to put into this bill any capital amount for any of these irrigation schemes.

Mr. HAYDEN. Then we would have a definite report within one year of the exact situation with respect to the ability to make reports on every project.

The CHAIRMAN. I am willing to take it on the good faith of the Department that they will carry out this direction. Will you prepare that, Mr. Hayden, and let us see what your language is?

Mr. HAYDEN. (Reading:)

Provided further, That no reimbursable money appropriated under this act for irrigation work shall be used for any purpose other than operation and maintenance, and that the Secretary of the Interior may prescribe rules and regulations for the payment of the per acre charge by all of the users of water under the project to apply to the reimbursement of the total amount expended, and said Secretary shall report to Congress on the first Monday in December, 1921, showing the irrigation projects, or units thereof, where repayment of the construction charge has been required.

The CHAIRMAN. Where will you put that in the bill?

Mr. MERITT. In connection with the general item for irrigation purposes, in the first part of the bill.

Mr. RHODES. I move the adoption of that.

The CHAIRMAN. All right. We will now take up the item on page 45, lines 17 to 20, which has already been read, and the justification placed in the record.

When we closed last night on this item we had concluded that we would appropriate for that item a sufficient amount for operation and maintenance and a sufficient amount to keep the project from too much depreciation, and no amount for further development of the scheme. We are trying to determine what the amount needed would be for maintenance and operation and what amount would be required to keep that part of the system that is now being used to actually deliver water in first class condition for delivery and such other parts as it may be necessary to retain in fair workable condition for the benefit of those who might take up additional lands. I would like to determine, Mr. Meritt, what you require there for maintenance and operation first.

Mr. MERITT. That is a reclamation proposition, Mr. Chairman, and I asked that the matter be deferred until Mr. Davis of the reclamation service and Mr. Reed could be present, and I would like Mr. Davis to give the committee the benefit of his views on that question.

The CHAIRMAN. I will say this, we have examined Mr. Davis very fully in the hearings, and we will not be disposed to listen to any testimony from Mr. Davis this morning except that which pertains

to the question suggested by me now. We would like Mr. Davis to tell us, and I want to say that the committee did not ask you to come, not because we do not like to have you here, but we are pretty well convinced in our own minds about what should be done with these plants, and if you will tell us what you want for upkeep and maintenance and to keep that part of the plant in proper shape, we will be glad to hear it.

STATEMENT OF MR. ARTHUR P. DAVIS, DIRECTOR AND CHIEF ENGINEER RECLAMATION SERVICE.

Mr. DAVIS. Mr. Chairman, I was requested on the telephone by the Secretary of the Interior this morning to come up to this committee and make a statement concerning the need of the appropriation on the Flathead project that he had requested—that is, for a million dollars—and, in answer to your question, I am sorry to say that I am not in position to answer that. I, foreseeing that it would be asked, looked over our files this morning and detailed estimates from the field had come in, of which one copy went to the Indian Office and the other copy has gone to the Government Printing Office to be printed as a preliminary pamphlet for the use of the Appropriations Committee, and I do not have a copy of how much is required for operation and maintenance. If the paper that was sent to the Indian Office is here, I can use that.

The CHAIRMAN. Would you say that you require more than you had last year for upkeep and maintenance, or less?

Mr. DAVIS. No; not for upkeep and maintenance; we would not require as much as last year; that is, the total appropriated last year.

The CHAIRMAN. No; not the total appropriation, but what you used for maintenance and operation?

Mr. DAVIS. I presume it would be about the same, possible a little more.

The CHAIRMAN. We can fix that amount here, as we have that.

Mr. DAVIS. It probably should be a little more, because there has been some construction work and there will be some more works to maintain. Possibly I am subject to correction, if Mr. Reed knows better, but the nearest I can say is that the amount asked in the appropriation to the Indian Office included the item of operation and maintenance and that would be our best field estimate of what we require for that purpose, and I have not that here, but it can be gotten from the Indian Office files.

The CHAIRMAN. We got it here yesterday by subtracting the total amount of last year from what you had had the year before. Now, can you give us offhand if any reasonable amount in addition to that for keeping the plant in fair condition is required?

Mr. DAVIS. I should think that if that was made somewhat liberal it would be best that I could give at the present time; unless new construction is taken up on a somewhat large scale, it would not be wise to take it up at all.

The CHAIRMAN. Then you would suggest that if we give you a reasonable amount for maintenance and operation, that is the only thing we need deal with.

Mr. DAVIS. I should say that that amount should be liberal, because it being the only money available would have to cover all the contingencies that might arise.

The CHAIRMAN. Supposing we gave you \$25,000 more than you spent last year for maintenance and operation.

Mr. DAVIS. That would very likely cover what the cost of maintenance and operating this year would be.

The CHAIRMAN. We want to be liberal with that.

Mr. DAVIS. Yes, sir.

The CHAIRMAN. But we do not want to spend any more money to develop that plant.

Mr. DAVIS. I am sure I can get the figures for you from the Indian Office files or in the Government Printing Office, but I did not have time to do that this morning.

The CHAIRMAN. Can you give us that some time during the day so we could get it into the record?

Mr. DAVIS. I presume so if the Indian Service will give me access to the papers.

Mr. MERITT. We will be glad to do that.

The CHAIRMAN. If you have the amount here of maintenance and operation of last year and add \$25,000 to that, do you think that would be sufficient to maintain and operate the plants?

Mr. DAVIS. I presume it would.

Mr. RHODES. That makes it easy; and, Mr. Davis, what we are trying to do is just to temporarily, at least, suspend this construction work. Next year we hope conditions may improve.

The CHAIRMAN. We have to relieve you, Mr. Davis, of any thought of trying to put any hurdles in front of these plants in any testimony you have given. The Secretary of the Interior, day before yesterday, while on the stand, agrees with us on the position absolutely in his statement that these schemes should not be carried excessively beyond the requirements of the Indian—speaking now entirely of the development of the plants. That is, that we should not go on developing acreage ahead of the present requirements.

Mr. DAVIS. Yes, sir.

Mr. MERITT. The Reclamation Service is also doing the construction work on the Blackfeet and Fort Peck projects, and while Mr. Davis is here—

The CHAIRMAN (interposing). I will say to Mr. Davis that it is our intention to handle the Fort Peck and Blackfeet propositions exactly in the same manner that we have suggested to you with regard to this, and we will be glad to add a reasonable amount to the amount you used last year for maintenance and operation for further assistance in keeping the plants from greater deterioration than would be good for them. Will that be agreeable to you?

Mr. DAVIS. Yes, sir. I think the arguments for additional construction are much stronger on the Flathead than on either of the others.

The CHAIRMAN. But you have nearly 60,000 acres on the Flathead ahead of what is being done now, so we can afford to wait for a year on that. In that event, Mr. Meritt, let us see if we can not figure up the maintenance and operation. You had that there last night, and we will add \$25,000 to that and reduce this item.

That is all, Mr. Davis, and the committee appreciate your testimony.

Mr. DAVIS. Thank you.

The CHAIRMAN. If you will figure up the item for the Flathead, Fort Peck, and Blackfeet, we can close them up in two or three minutes. We are willing to give you the same per cent above the maintenance and operation on each of these schemes that we have given on the Flathead.

Mr. MERIT. Mr. Chairman, I believe it was understood that \$100,000 would be given on the Flathead project and that will be sufficient to cover the maintenance and operation.

The CHAIRMAN. We called that maintenance and operation. What will we make the other one? On that basis we ought to make that about \$30,000.

Mr. MERITT. The report shows that the cost of operation, maintenance and miscellaneous to June 30, 1919, was \$36,045. If you will allow us \$40,000 for Fort Peck, for maintenance and operation, and \$30,000 for the Blackfeet, I believe that would cover that expense. Of course, that would not allow for any new construction.

The CHAIRMAN. The \$40,000 for Fort Peck is reasonable but \$30,000 on the Blackfeet would be too much. You only asked for \$50,000 for the whole thing. We will give you \$40,000 for Fort Peck and \$25,000 for the Blackfeet.

Mr. REED. The Blackfeet is scattered all over creation.

The CHAIRMAN. Now, gentlemen, we have come to an agreement here on the Flathead on a basis of \$100,000 purely for maintenance and operation, and on the Fort Peck \$40,000 for maintenance and operation, and on the Blackfeet, \$25,000 for maintenance and operation. That seems liberal and will give them a liberal amount for maintenance and operation so that the plants can be held in as good commercial and usable condition as they now are and ample funds to operate the plant in the interest of every user of water with a sufficient amount of money to turn water on to used acreage which is ready for it.

If there is no objection to these items, they will stand at that and we will proceed.

Mr. MERITT. I suggest a change of language in these items in conformity with the policy of the committee.

The CHAIRMAN. Unless the general legislation would cover it. However, I would be glad to listen to your suggestion of the change of language.

Mr. MERITT. As I understand it, it is the policy of the committee to permit no new construction on the Flathead, Blackfeet, and Fort Peck projects. If that is the policy of the committee, of course, the language probably should be changed because if the present wording remains it would include "construction." Cut out "continuing construction."

Mr. KELLY. Continuing "construction, maintenance, and operation;" is what you suggest?

Mr. MERITT. Strike out the words "continuing construction" in lines 17, 21, and 24, on page 45, and omit the comma after the word "maintenance."

The CHAIRMAN. We will cut out those two words on line 17, and the same two words on line 21, and the same two words on line 24, page 45, and the comma in each case.

Mr. MERITT. Yes, sir. We offer for the record for each of these projects the following justifications:

Irrigation systems, Fort Peck Reservation, Mont. (reimbursable).

Fiscal year ending June 30, 1920:

Amount appropriated ----- \$100,000.00

Fiscal year ended June 30, 1919:

Amount appropriated ----- 50,000.00

Amount expended ----- 49,871.44

Unexpended balance ----- 128.56

Analysis of expenditures:

Salaries, wages, etc ----- 28,065.36

Traveling expenses ----- 257.29

Transportation of supplies ----- 569.74

Telegraph and telephone service ----- 79.84

Subsistence supplies ----- 4,313.90

Dry goods, clothing, etc ----- 42.93

Forage ----- 2,586.63

Fuel, lubricants, power and light service ----- 899.04

Medical supplies, etc ----- 4.35

Equipment and miscellaneous material ----- 7,440.37

Rent of buildings ----- 234.50

Washington, Denver, and field expenses, United States Reclamation Service ----- 3,348.43

Miscellaneous ----- 2,029.06

Total ----- 49,871.44

Indian tribe, Fort Peck Sioux.

Number of Indians, 1,986.

Area of reservation, 722,453 acres.

Irrigation project started, 1908.

Work done by Reclamation Service.

Area of irrigable land under project, 152,000 acres.

Area of irrigable land under constructed works, 16,620 acres.

Area actually irrigated, 1,299 acres.

Area of irrigable land cultivated by Indians, none.

Area of irrigable land cultivated by lessees, none.

Area of irrigable land cultivated by white owners, none.

Cost of construction to June 30, 1919, \$669,007.49.

Cost of operation, maintenance, and miscellaneous to June 30, 1919, \$36,045.26.

Estimated additional cost to complete, \$4,050,000.

Estimated cost per acre when completed, \$38.

Average value of irrigated land per acre, \$50.

Average annual precipitation, 14 inches.

Source of water supply, Big Muddy Creek, Porcupine Creek, and Missouri River.

Crops produced, alfalfa, wheat, oats, potatoes.

Market for products, local and general; fair.

Distance from railroad, railroad through project.

This sum is requested for continuing the construction, maintenance, and operation of the Fort Peck irrigation project. The program, as outlined by the Reclamation Service for the fiscal year 1921, includes stream measurements, the investigation of evaporation from Medicine Lake Reservoir, the construction of storage works for the Big Muddy unit in order to provide adequate water for about 8,000 acres of land and the operation and maintenance of the system.

IRRIGATION SYSTEM, BLACKFEET RESERVATION, MONT. (REIMBURSABLE).

Fiscal year ending June 30, 1920:

Amount appropriated ----- \$50,000.00

Fiscal year ended June 30, 1919:

Amount appropriated	\$50,000.00
Amount expended	37,243.85
Unexpended balance	12,756.15
Analysis of expenditures:	
Salaries, wages, etc	12,708.74
Traveling expenses	380.63
Transportation of supplies	1,113.58
Telegraph and telephone service68
Subsistence supplies	3,117.61
Dry goods, clothing, etc	1,357.14
Forage	1,165.94
Fuel, lubricants, power and light service	439.14
Medical supplies, etc	3.72
Equipment and miscellaneous material	8,082.27
Washington, Denver, and field expenses, United States Reclamation Service	2,788.30
Miscellaneous	6,086.10
Total	37,243.85

Indian tribe, Blackfeet.

Number of Indians, 2,752.

Area of reservation, 1,493,387 acres.

Irrigation project started, 1907.

Work done by Reclamation Service.

Area of irrigable land under project, 122,500 acres.

Area of irrigable land under constructed works, 48,240 acres.

Area actually irrigated, 3,484 acres.

Area of irrigable land cultivated by Indians, none.

Area of irrigable land cultivated by lessees, none.

Area of irrigable land cultivated by white owners, none.

Cost of construction to June 30, 1919, \$985,032.96.

Cost of operation, maintenance, and miscellaneous to June 30, 1919, \$59,060.18.

Estimated additional cost to complete, \$2,450,000.

Estimated cost per acre when completed, \$30.

Average value of irrigated land per acre, \$50.

Average annual precipitation, 12 inches.

Source of water supply, Two Medicine River and several creeks.

Crops produced: Alfalfa, wheat, oats, potatoes.

Market for products: Local, fair.

Distance from railroad: Railroad through project.

This sum is requested for continuing the construction, operation, and maintenance of the Blackfeet project. The program, as outlined by the Reclamation Service for the fiscal year 1921, includes miscellaneous surveys; the construction of controlling works at Four Horns Reservoir; the enlargement of Two Medicine Canal, in order to provide for irrigation of additional lands; the construction of necessary structures; and lateral extensions in the Birch Creek, Badger-Fisher, and Peigan lateral systems and the operation and maintenance of the system.

Provision is made in this item for the maintenance, repair, operation, and purchase of horse-drawn and motor-propelled passenger-carrying vehicles for the Blackfeet, Flathead, and Fort Peck projects. This provision is made separate and apart from the general provision for the Indian Service because of the fact that the Reclamation Service is in charge of the work, and such of these projects.

The CHAIRMAN. That brings us down to page 46, lines 11 to 26, reading as follows:

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States the sum of \$360,000 of any tribal funds on deposit to the credit of the Crow Indians in the State of Montana, and to expend the same for the extension, improvement, maintenance, and operation of the irrigation systems on the Crow Reservation, Montana, includ-

ing maintenance assessments payable to the Two Leggings Water Users' Association, and including also the construction of a concrete diversion dam on the Big Horn River at a cost not to exceed \$155,000, said sum, or such part thereof as may be used for the purpose indicated, to be reimbursed to the tribe under such rules and regulations as may be prescribed by the Secretary of the Interior.

Mr. MERITT. We offer for the record the following justification:

IRRIGATION SYSTEM, CROW RESERVATION, MONT. (REIMBURSABLE).

Indian tribe, Crow.

Number of Indians, 1,707.

Area of reservation, 1,183,872 acres.

Irrigation project started, 1891.

Work done by force account, using principally Indian labor.

Area of irrigable land under project, 73,686 acres.

Area of irrigable land under constructed works, 53,000 acres.

Area actually irrigated, 16,646 acres.

Area of irrigable land cultivated by Indians, 9,645 acres.

Area of irrigable land cultivated by lessees, 5,312 acres.

Area of irrigable land cultivated by white owners, 1,689 acres.

Cost of construction to June 30, 1919, \$1,413,196.70.

Cost of operation, maintenance, and miscellaneous to June 30, 1919, \$552,565.36.

Operation and maintenance charges are collected from water users.

Estimated additional cost to complete, none.

Estimated cost per acre when completed, \$22.60.

Average value of irrigated land per acre, \$75.

Average annual precipitation, 13 inches.

Source of water supply, Big Horn River, Pryor Creek, Soap Creek.

Crops produced, alfalfa, wheat, oats, barley, rye, potatoes, sugar beets.

Market for products, local; good.

Distance from railroad, railroad through project.

Irrigation has been practiced on the Crow Reservation since 1886, and the Government has assisted the Indians in the construction of irrigation systems since 1891 to the extent that their use of the system seemed to justify. Within the last two years white lessees have become interested in a considerable area of land on this reservation, have leased some of it, and will lease more land as rapidly as the irrigation system can be extended to cover it. The amount herewith requested has been estimated as necessary to extend the canals and laterals to new lands and to cover the cost of constructing a permanent concrete diversion dam in the Big Horn River. It is estimated that this dam will cost \$155,000, and its construction becomes imperative owing to the fact that greater use of the waters of the Big Horn River above this diversion point has caused the supply in the river to be insufficient to admit of diversion into our canals during the low-water season. In order to save crops, valued at several hundred thousand dollars, when it became apparent that water could not be delivered to the lands under cultivation during the past season, it was necessary to hastily construct a temporary dam, at a cost of approximately \$7,000. This dam will undoubtedly be destroyed during the coming spring if the ice flow is as heavy as usual. Obviously, it will not be economical to construct temporary dams annually; therefore, this permanent work should be done at the earliest practicable moment. The sum herewith requested also includes funds for the operation and maintenance of the system. White lessees and owners are required to pay their pro rata share of operation and maintenance costs, but the Indians have not reached a stage where they can be required to assume this responsibility.

The CHAIRMAN. You made a careful investigation of this Crow Indian proposition, Mr. Rhodes? Will you take up this matter with Mr. Rhodes? They are asking for \$100,000 more than last year, and, offhand, I am not as familiar with that proposed scheme as I am with some others.

Mr. RHODES. In regard to that project, in the first place, there would necessarily have to be some good reason existing in this case

why the amount asked for should be appropriated, or I should say, that the same rules which were applied in the other three cases ought to apply in this case. In order to determine that fact, I would like to know first, how many acres of land on this Crow Reservation, or within the irrigable area, are actually irrigated?

Mr. MERITT. There is under the project 73,686 acres. The irrigable land under constructed works is 53,000 acres, and area actually irrigated 16,646 acres. Of that amount the area cultivated by Indians is 9,645; the area of irrigable lands cultivated by lessees, 5,312 acres; area cultivated by whites, 1,689 acres. We have expended up to June 30, 1919, \$1,413,196.70, and expended for operation, maintenance, and miscellaneous, \$552,565.36.

Mr. RHODES. I observe from these figures that it is a fact you do have a large acreage there ready to turn the water on that is not being used?

Mr. MERITT. Yes, sir.

Mr. RHODES. Then, that being true, and if we are consistent with our ideas of not continuing these improvements, my suggestion, Mr. Chairman, we should apply the same rule as applied in the case of the Blackfeet and Flathead and Fort Peck Reservations.

The CHAIRMAN. Does that, in any way, militate against the decision that you came to in discussing the Crow legislation here the other day, referring to the Campbell lease, and all those things?

Mr. RHODES. I do not think this would have any relation to that because that is only legislation in contemplation for the allotment and putting on sale of those lands.

The CHAIRMAN. And had no bearing on this condition?

Mr. HAYDEN. I notice this provision contained in the bill, that the total is \$360,000, of which about half, or \$155,000 is to be used in the construction of a concrete diversion dam on the Big Horn River, at a cost not to exceed \$155,000. The justification states that owing to the low water of last year it was necessary to construct a diversion dam. What is the necessity for this diversion dam on the Big Horn River?

Mr. REED. The present plant, already constructed, simply takes water directly from the river without any dam. That has been ample probably until this past year. Heretofore, until last year, we have been able to take the water directly from the river on account of there being a large supply without any diversion dam. The increase in irrigation on the river above this point in Wyoming has reduced the flow in the river. This condition was made still worse last year by extreme water. The result was that we could not get into the head of the ditch a sufficient amount of water for the requirements, and it was necessary to throw in a temporary dam, costing \$17,000 just for the season's supply. That dam was of a temporary nature, and when the floods that usually come in the spring carrying large quantities of ice occur it will probably destroy a large part of that dam, and if conditions recur next year as they did this year, it will be necessary to put in again a temporary dam which will in turn be destroyed. The \$155,000 is estimated for a permanent, concrete dam, so that the condition will not occur again.

Mr. HAYDEN. In order to assure water to the lands now in cultivation it is necessary to have a permanent diversion structure in the stream?

Mr. REED. Yes, sir.

Mr. HAYDEN. And, of course, with that permanent dam in the stream, if the project should be extended in the future, the benefit of it would extend to the entire project, but the immediate necessity is to guarantee water to the lands now in cultivation?

Mr. REED. Yes, sir.

Mr. HAYDEN. Of this total amount, \$360,000, how much was used in operation and maintenance last year?

The CHAIRMAN. The statistical sheet here shows that it has cost to maintain that plant always one-third of the amount spent for development.

Mr. HAYDEN. Last year there was \$150,000 appropriated; that would indicate that \$50,000 was the operation and maintenance charge per year.

Mr. REED. It would not be far from that.

Mr. HAYDEN. If you had \$50,000 to operate and maintain the existing system, and \$155,000 to construct the permanent dam what other money would be necessary in order to properly supply water to the lands now in cultivation.

Mr. REED. The lands are actually in cultivation probably now, but there is under the Big Horn one that has been leased that without additional water construction we can not reach.

Mr. HAYDEN. I am speaking about the immediate necessity for furnishing water to all the land that can be cultivated next year.

Mr. REED. I should think that we would need practically what we have asked for to reach the new lands under contract to be supplied by next year.

Mr. HAYDEN. Then, in your opinion, there would be no practical way of making any reduction in this appropriation at all?

Mr. REED. Our instructions to the field engineers were to figure that just as low as they could possibly do and supply the urgent demands of the following year.

The CHAIRMAN. I noticed that there are 16,646 acres actually being cultivated, and that there are 37,000 acres under this project that are not being cultivated. What would you say as to the necessity of this dam for the purpose of continuing the irrigation of the 16,646 acres that are now being utilized?

Mr. REED. Probably if not more than 16,000 acres were cultivated we could get along the same as we have been getting along, unless there is a repetition of the low water of last year. If there is, a dam would be necessary just the same.

The CHAIRMAN. What do you say as to the possibility of a considerable amount of acreage already under constructed works being taken up in the near future?

Mr. REED. We are fully convinced that all of these leased lands that contemplate the use of water will be put in during the next year if water is available, and that will take up a large part of the 37,000 acres.

The CHAIRMAN. Then how much further can you go efficiently in the watering of an increased acreage above the 16,000 with the plant in the condition as it now exists?

Mr. REED. I imagine that we could probably go 10,000 acres.

The CHAIRMAN. Do you think that within the next 12 months more than 10,000 acres will be opened up?

Mr. REED. I do. There is a great deal of that land that was flooded last fall and is ready to receive water now.

Mr. RHODES. I think the committee has made it clear time and again that we are trying to adopt this policy that we want to hold in obedience this development work where the development has exceeded the demands on the reservation. According to these figures stated by Mr. Meritt there are to-day something like 37,000 acres of land on the reservation on which water is ready and a large amount of that is unused. What assurances have you that there will be demands for an acreage in excess of that which the present plant could not supply?

Mr. REED. The fact that the people who have leased that land have already been in the field.

Mr. RHODES. How many acres of these are under lessees? I assume you refer to the lessees under the Campbell contract?

Mr. REED. And under the sugar company and other projects.

Mr. RHODES. The sugar company lease was made by virtue of the Campbell contract?

Mr. REED. It is by different parties, I understand; I am not familiar with that.

Mr. RHODES. That is the source from which you anticipate increased demands?

Mr. REED. Yes, sir.

Mr. RHODES. Then why could you not get along with the amount expended for last year for maintenance and upkeep together with what you estimate it would require to turn the water on the excess acreage which you understand is going to be required by these lessees on the Campbell lease and other leases, and cut out the construction of that dam entirely? Mr. Chairman, since yesterday's session I have read an article in the last issue of the National Budget, a little paper published in the city of Washington, in which Mr. Glass, Secretary of the Treasury, stated very forcibly what I have been trying to state, and what I have sought to put into practice in the making up of this bill, and we are admonished against assuming any new obligations in order to protect the condition of the Public Treasury.

I can say that I appreciate from an engineering standpoint when a proposition has once been adopted that it is within the legitimate ambition of those charged with the responsibility to carry it forward to completion at the earliest time, and that all of your items may be fully met, but this committee is confronted with this fact: We have in this case, and on the Blackfeet and on the Flathead and Fort Peck Reservations the figures which indicate the plants have been carried far in excess of the present necessities. I do not believe it is fair to this committee to continue to ask us to increase these amounts for an extension of the work, or for the installation of new projects, and as far as I am concerned, I am not inclined to support that proposition.

The CHAIRMAN. You have in addition, Mr. Rhodes, the statement of the Secretary of the Interior day before yesterday here in which he distinctly stated that he agreed with the policy that these projects should not be extended beyond the reasonable necessity at this time. I mentioned to him, if you remember, whether he would con-

sider 10,000 acres a reasonable distance ahead of the requirements, and he said much less than that, or you could assume from his answer that much less than 10,000 acres in excess of the requirements were sufficient distance to be ahead.

Mr. RHODES. I want Mr. Reed to get this idea; that I am not undertaking to say that 12 months from now I would not favor the construction of a dam, but I am saying at this particular time as far as I think we ought to go is to know the actual number of dollars you expended for maintenance and upkeep and to that add an amount equal to that which you have expended for a temporary dam and say \$25,000 to meet any additional expense.

The CHAIRMAN. Is there any offset to that suggestion on the part of the assistant commissioner or any member of the committee?

Mr. KELLY. This paragraph provides for \$155,000 for the construction of a concrete diversion dam. You will notice, Mr. Reed, that in the bill, Senate 289, there is a provision as follows:

SEC. 10. That any unallotted lands on the Crow Reservation chiefly valuable for the development of water power shall be reserved from allotment or other disposition hereunder, for the benefit of the Crow Tribe of Indians; *Provided*, That such lands shall not be leased or otherwise disposed of without the consent of the tribal council.

Is there any connection between this appropriation in here and that proposed for the project on the Crow Reservation?

Mr. REED. No, sir.

Mr. KELLY. I had some one in my office recently to ask me to help get an appropriation where it provides for the consent of the tribal council. He would like to have it put so as not to need the consent of the tribal council. He stated he represented a company which had expended money there to get water on the project and they were prepared to apply the necessary water to raise money for irrigation projects at the cost of maintenance to those using it. I do not know whether there was any connection between this proposed dam and any water-power project.

Mr. REED. No, sir; there is no connection. The water-power project would require the expenditure of a great many millions of dollars, and it would require several years before it could be put into operation.

Mr. KELLY. Then it would not serve any purpose in the actual operation of the project at all?

Mr. REED. No. It is simply a concrete dam to hold the water in a sufficient level to put the required amount into the canal.

Mr. HAYDEN. How much money is there in the Treasury of the United States to the credit of the Crow Tribe of Indians?

Mr. MERITT. \$558,646.

Mr. HAYDEN. There is over \$555,000 to their credit in the Treasury?

Mr. MERITT. Yes, sir. We propose to make per capita payments very soon out of this appropriation.

Mr. HAYDEN. You have already agreed to make that per capita payment?

Mr. MERITT. Yes, sir.

Mr. HAYDEN. How much will the payment amount to per capita?

Mr. MERITT. Fifty dollars for each man, woman, and child on the Crow Reservation.

Mr. HAYDEN. Aggregating how much?

Mr. MERITT. About \$85,000, and we propose to make another per capita payment of \$50 about the middle of the winter, after the holidays.

Mr. HAYDEN. That would be \$165,000?

Mr. MERITT. It is possible we will make another per capita payment next spring, about the time for planting their crops.

Mr. HAYDEN. The idea is to entirely distribute all tribal funds of the Crow Indians?

Mr. MERITT. No, sir. There is an income from leasing on that reservation of over \$200,000 a year.

Mr. HAYDEN. Then the receipts from grazing leases for one year would pay the cost of the construction of this diversion dam?

Mr. MERITT. Yes, sir.

The CHAIRMAN. I appreciate all that, Mr. Hayden, but I conceive it to be my duty to protect the expenditures of moneys belonging to the tribes of Indians the same as I do the money in the Treasury of the United States.

Mr. HAYDEN. If I might be permitted to say, it seems to me that is a perfectly legitimate use of the tribal funds of those Indians to take part of their annual income and construct a reinforced concrete dam in the river, which will be of permanent benefit to them and which as the experience of last year has shown is absolutely necessary in order to furnish water to the 16,000 acres of land that is now under cultivation. The fact that over \$7,000 had to be spent this year on a temporary structure and the same work must be done again owing to diversion of water above this point, shows that a permanent dam should be built.

Mr. RHODES. I concede the force of that argument, and I note the difference between handling their money and dealing with the Public Treasury and the gratuities proposition, but I notice you use the words "absolutely necessary." Do you actually mean to say that it is absolutely necessary to construct this dam in order to provide water for the lands subject to irrigation on the Crow Indian Reservation?

Mr. HAYDEN. I stated that it was absolutely necessary in order to assure an adequate water supply to that land that a dam be constructed, and the proof of that is that a temporary structure had to be built last summer.

Mr. RHODES. With a temporary structure they did get water and continuing the use of the temporary structure they might get water in 1920.

Mr. HAYDEN. That is entirely possible.

Mr. RHODES. With that view of the case I would say this, that it is not absolutely necessary to build this dam.

Mr. HAYDEN. I stated that the kind of diversion structure proposed in this bill at this time must be built this year, or next year, or some year, and inasmuch as they have an income more than sufficient in any one year to pay for it, it seems to me that it puts it on a very much different basis and entirely voids the argument that it will burden the taxpayers of the United States. The Indians have the money and they want the dam. Why should it not be built?

Mr. RHODES. Who wants this, Indians or white people?

Mr. REED. I do not know that anybody has expressed a desire, except that last summer when the water fell below the level of our ditch, then everybody rushed out and insisted upon having a dam at once.

Mr. RHODES. I want Mr. Hayden's statement to be verified or filed right here at this point. I say that we have a right to safeguard these Indians' money, and, so far as I am concerned, I am inclined to do so. On the other hand, I am willing, if the Indians want their money expended for useful purposes which will promote their welfare, to concede what Mr. Hayden says. Mr. Reed, your knowledge of the proposition, I take it, is at least equal to that possessed by any other man connected with the Indian Service?

Mr. REED. I think so.

Mr. RHODES. Are you prepared to state to the committee now whether or not this demand for the dam has arisen among the Indians, whether it has arisen among the white people, or whether it is a part of the engineering problem initiated by yourself? Are you able to answer that question?

Mr. REED. I think I am. The demand, perhaps, for a concrete structure could be charged to the engineering division. The demand for a structure of some kind last year to put the water into the ditch was universal, both Indian and white.

Mr. RHODES. So you could not say, so far as the source from which the demand came, whether it was from Indians or white people?

Mr. REED. No.

Mr. RHODES. Who predominates there—Indians or white people?

Mr. REED. The ownership is Indian; the acreage farmed is white.

Mr. RHODES. I am talking about the farmer who is tilling the soil; are they Indian farmers or white farmers?

The CHAIRMAN. According to your figures there are 9,645 acres cultivated by Indians, and white owners about 1,700 acres.

Mr. RHODES. Under this Campbell lease there will be at least 35,000 or 40,000 acres more.

Mr. REED. That will change, and the white men will predominate next year.

Mr. MERITT. But only a small part of that lease covers irrigable land; a large part of it covers dry land.

Mr. RHODES. Then, upon these figures the present system would be adequate to furnish water for the Indians?

The CHAIRMAN. Here is what seems important to me: You have in the figures here 53,000 acres under constructed works, and there is nothing said about there being a shortage of water, and that 53,000 acres now has in it 37,000 acres which is not being cultivated by anybody. There has been nothing said up to this time that the plant as it now exists could not take care of the additional 37,000 acres.

Mr. CARTER. This record shows that 37,000 acres, not cultivated, is under water or capable of being put under water.

The CHAIRMAN. It says, just the same as all these statistical items, area of irrigable lands under constructed works, and we are supposed to understand that those are ready for water.

Mr. MERITT. Mr. Chairman, I think that this will explain that situation: There are 53,000 acres under constructed works, but our experience last year has convinced the Indian Bureau that it is neces-

sary to have a concrete dam in order to insure water for the entire acreage under the irrigation project, which is now considered as being under the constructed works. There was a large crop failure last year because of the inability to get water on the land in the absence of this proposed concrete dam. It seems to me that inasmuch as the Indians have already invested in that Crow Indian project \$1,413,195 in construction and \$552,565 in maintenance and operation during these past years, that in order to insure that investment being effective, it would be money well spent to authorize the construction of this concrete dam.

The CHAIRMAN. Mr. Meritt, at this point I see that both Senators from Montana are here, and if either or both of them would like to be heard on this question we would be very glad to hear them now. * *

**STATEMENT OF HON. THOMAS J. WALSH, UNITED STATES
SENATOR FROM MONTANA.**

Senator WALSH. I do not think either of us desire to be heard on this particular matter. I have no definite information on the particular subject myself. I do not know whether Senator Myers has or not.

I wish to say, however, Mr. Chairman, that I think, perhaps, the record there showing 57,000 acres under constructed works might be misleading. The same situation of affairs exists, for instance, on the Sun River project. The reports show a very large acreage under constructed works and it is there, but it is there when the water is available. But last year, a dry year, there was not water available for it and it becomes necessary to construct a large reservoir in order to hold the water for use in a dry season. In perhaps two seasons out of three the water will be available and there is so much represented as being under constructed works that can be irrigated, and so here it is not at all unlikely, I think, that in quite a good many years the existing works in connection with this Crow plan will bring water to 57,000 acres, but a dry year comes along like last year and the water falls so low you can not get the water.

The CHAIRMAN. But you can see, Senator, the position we are in when a report comes here showing us that there are 53,000 acres under irrigation and only 16,000 of them in use. Then consider the investigation we have made of all these matters for the last three months, and finally getting the Secretary of the Interior up here and having him really agree with the proposition that we are working under that we should not go too far ahead on these projects. It has seemed to us that we should confine ourselves in all such cases to the present actual necessity. To me, at least, unless the Indians are actually desiring this additional expenditure of their own money. I would not feel disposed to grant that amount.

Senator WALSH. I do not care to enter into that, but something was said about that by our esteemed friend here. I do not sympathize with that idea at all, Mr. Chairman, that we ought to wait regarding any of these matters until the Indian considers this particular matter. We legislate about this matter because, presumably, they do not know enough to take care of their affairs. Attention was called to a provision here in the bill for the opening of the reser-

vation under which the water powers are not going to be developed unless the tribal council wants them developed. If we are going to leave these questions to the Indians themselves the best thing is to turn over the whole matter to them and abrogate all control. Why guide yourself by the judgment of the particular Indians? If representatives of the Government upon the ground make such a showing as that to justify the expenditure of the Indians' money for that particular proposition, it would not be a matter of any consequence to me if the Indian desired it or not, because ordinarily the Indians do not know or appreciate the necessity for a concrete dam. I appreciate very well that when any kind of temporary structure was thrown up that satisfied all their desires. The question of the economy of putting in an expensive dam in all probability would never address itself to them at all.

But, Mr. Chairman, my colleague and myself came here to talk with you, if you might, for a short while about the Flathead, the appropriation for the Flathead work.

Mr. CARTER. Before you pass from that matter, I would like to ask a question, Senator.

Senator WALSH. Yes.

Mr. CARTER. All this 57,000 acres, as I understood it, is under ditch.

Senator WALSH. Presumably so.

Mr. CARTER. If I understood you correctly, in the dry season when the water is needed the flow of the river does not rise sufficiently to fill the ditches?

Senator WALSH. Exactly.

Mr. CARTER. And what you want is a diversion dam in dry season which will force the water into the ditch?

Senator WALSH. That is what I understand.

The CHAIRMAN. It seems a singular thing to me that some one did not discover, in the inception of this plan, that the first thing to do is to impound the water that he intended to distribute. We have over 53,000 acres under this system and we find we can not furnish water efficiently for 16,000 acres.

Senator WALSH. That does not seem so strange to those of us who have followed this reclamation work from the start. Without the slightest criticism of the engineers, they undertook these great works of irrigation without much of any guide. They had not the experience then that they have now. We had exactly the same experience with all of our private projects, with all of our Cary projects, and the estimates were frequently found, and I may say usually found, wanting in some essential respects. For instance, we were obliged to institute an extensive system of drainage after the works were entirely completed that never was contemplated in the original plan at all. It looks from the present standpoint, you know, as if the engineers were blameworthy in not taking that feature of the matter into consideration, but it did not occur to any of us at that time and did not occur to them at that time, and I assume that this is of the same character.

We learn, Mr. Chairman, that the committee in its wisdom concluded to cut down considerably the estimate made for the Flathead project. We have been obliged to put up a fight for a liberal appropriation for that project for quite a good many years; indeed, I might

say ever since I have come here it has been a matter of controversy and we have never failed at any time to justify upon a full presentation of the matter the appropriation asked for. My recollection now is that that project was started in 1910, the first appropriation, nine years ago. It is easily demonstrable that unless very considerable appropriations are made, at least of \$350,000 to \$500,000 a year—we got \$750,000 in two years—that it will not be completed for a long time to come. Everybody can appreciate that the overhead expense and expense of maintenance and equipment upon the ground, assembling the force, is making an overhead charge so enormous that the outcome is rather appalling to us. I figured out at one time that under appropriations still being made it would still take 20 years to build that project.

The matter is not always, it seems to me, appreciated in its true light. The question is asked now, is this money needed or wanted for the benefit of the Indians or the white settlers? And it must be stated with perfect frankness that by far the greater portion of the benefit of the appropriation goes to the white settlers and not to the Indians for the simple reason that the white settlers will irrigate and cultivate their lands and the Indians will not. But, Mr. Chairman, there is an obligation due to the white settlers of the very highest character and the most sacred nature. It does not answer the question at all to say that it is for the benefit of the white settlers and not Indians.

You will bear in mind that land was thrown open to settlement under an arrangement by which its value was appraised, a value set upon each individual tract and settlers invited to settle there. The original act contemplated that this irrigation system was to be built and in opening the lands the system was prepared and the irrigation project was laid out and, of course, the lands under the irrigation project were appraised at a very much higher figure than the lands that were above the ditch. Now, the settler going upon the reservation for the purpose of selecting his land had an opportunity to take land above the ditch that would not be irrigated and that he knew would not be irrigated at the price that dry land would command, or he had the opportunity to select his land under the ditch at the very much higher price at which that land was appraised in the expectation that the irrigation project, as it was represented upon the maps, would be completed within a reasonable time and that he would have water for the irrigation of his land, and accordingly he paid his money and that has gone into the Treasury of the United States and is there to the credit of the Flathead Indians.

Mr. CARTER. Their money has not been paid either, has it?

Senator WALSH. I can not say.

Mr. CARTER. It was sold on partial and extended payments.

Senator WALSH. I am not prepared to say just how far the payments have been made regularly.

The CHAIRMAN. What payments are you speaking of, payments for the land or for the use of water?

Senator WALSH. Payments for the land.

The CHAIRMAN. That may be so, but there has been no payments for the use of the water on the part of any user, no matter how many years he had the benefit of it.

Senator WALSH. In all cases, Mr. Chairman, where water has been used, my understanding of the matter is that the rental charge is

made. Of course, no payments on account of the water have ever been made and can not possibly be made until the project is complete and the entire cost is known and apportioned accordingly.

The CHAIRMAN. Did you ever consider the thought that as to the man who had had the same use of the water for five years that he would have forever, with regard to the possibility of his always being supplied with water, the project is just as thoroughly completed as far as he is concerned as it will be after the whole system has been completed. It is not advisable to have him pay based upon an estimate of the completed project from now on for the purpose of endeavoring to liquidate to some extent the amount of money that has been already advanced?

Senator WALSH. The chairman is quite right about that, but it had been found utterly impossible to carry out that idea. When the reclamation work was originally started it was planned to estimate in advance what the work would cost, and thus to apprise the settler beforehand of how much he was going to pay. My own private opinion of that matter is that was the intention of the act so that the settler would know when he went on the land. But, Mr. Chairman, that original act is doubtful in its language in that respect and it was found by experience utterly impossible to estimate in advance what the work would cost. Indeed, you have the experience here of the Crow ditch, which was originally estimated without any expense whatever for this diversion dam, and it is now found that a diversion dam is necessary in order to make the water available, and as the work progressed it was found that the original estimates were usually too low. The department then adopted the policy of not making any preliminary or original estimate concerning the cost, but to defer until the work was completed the determination of how much each acre of the irrigated lands should pay and, indeed, the Comptroller of the Treasury has refused to recognize an antecedent estimate and insists upon the payment of the actual cost when the work is complete. That is the construction he gives to the act.

That is what is governing in the case before you. There are some, undoubtedly many, of those people who have the water available just exactly as it will be when the project is entirely complete, but until it is entirely completed no one will ever know what these people are obliged to pay, and so the department has adopted the policy of making a rental charge annually upon those who actually have the water, until the project is complete, and then can determine the amount of the payment. That is why no payments have been made.

Mr. KELLY. A lease has already been entered into with the Sheridan Sugar Co. on this Crow Reservation for some thousands of acres of land at the fixed charge of not to exceed \$1 an acre. My contention is that it is going to cost the Indian much more than \$1 an acre as fixed in that lease.

Senator WALSH. That is entirely a different proposition. The sugar company does not pay any construction charge at all. They pay a rental.

Mr. KELLY. Of \$1 per acre for water.

Senator WALSH. For the use of the water. They have no interest in the payment of construction. They don't want it at all and are not required to pay for the construction. It is just as if you owned an irrigation system and leased the water at a rental of \$1 an acre.

Mr. KELLY. But \$1 an acre will not cover the maintenance charge of that acre. Somebody is going to pay the difference.

Senator WALSH. I do not know about that.

The CHAIRMAN. As I understand it, you were to discuss the Flathead proposition, Senator, and I want to call your attention to one or two things. The irrigable land under constructed works is 91,000 acres, and there are only 31,000 acres of the 91,000 which are actually under cultivation, and only 3,267 acres cultivated by Indians. It has been the fixed idea of this committee so far, and in fact we have just passed upon that item, that we would not appropriate any money for the continuance of the development of the plant until such time as the lands actually cultivated were equal to the amount that is ready for cultivation. I tell you that for your information, so that you will know the attitude we have taken for the purpose of this discussion.

Senator WALSH. From what source do these figures come and for what year do they speak?

The CHAIRMAN. The year 1918.

Senator WALSH. 1918. Three years ago a delegation came down here from the Flathead Reservation, brought by a very bright lady there, Miss Lemery, and financed by Mr. Victor J. Evans, of this city. They appeared before the Senate Indian Affairs Committee and represented and asked that no more appropriations be made at all for the Flathead Indian project, because they did not need any water for irrigation there. They represented that it was possible to grow crops on the Flathead Indian Reservation by dry-farming methods—excellent crops. I ought to say that the delegation consisted of old Indians, chiefly, who never cultivated anything, that is, with one or two exceptions. There was one Indian who did some dry farming over on the west side of the Flathead Reservation, and who seemed to be doing very nicely under the dry-farming system.

At the same time, Mr. Chairman, the Secretary of the Interior was overwhelmed with applications from settlers on the Sun River project to be permitted to withdraw from the project. I was up there with the Committee on Appropriations of the House in 1915, four years ago.

Mr. HAYDEN. The Sun River project is a reclamation project, not an Indian project.

Senator WALSH. I am speaking of conditions that will afford some idea of the great disparity between the area that could have been cultivated in 1918 and the area actually cultivated. The years of 1915 and 1916 were years of rainfall. When we were there in the month of June, 1915, the House Committee on Irrigation—it was the 4th of July we were there—the country was practically afloat. Wheat was standing there as high as this table, dry farming wheat, that would doubtless grow 40 bushels to the acre, and nobody was immediately interested in irrigation. The committee was there waited upon by a delegation which said, "Come out here and we will show you what can be done on dry farming. It is useless to spend this money on this irrigation project." Most of them were new. The men came from the eastern and humid country that always had rainfall, who went out there and had a rainfall, but those of us who had lived in the country for 30 years knew that was

a temporary condition and that a dry time would come when these people would be praying for the irrigation system. It came. We had three years of drought, and this year such a drought as no time in the history of this Nation, or any country, has ever known, and the destitution in the State of Montana, I hesitate to speak about; the situation following a severe winter is something indescribable. There is not any further complaint about liberal appropriations for the Sun River and the Milk River project, nor has Miss Lemery or any of her representatives been down here for the last two years to renew their objections to liberal appropriations for the completion of the Flathead project.

That explains the disparity which you find in all these reports when you get to the bottom of it. If you had it for this year you would find that every acre of land upon which water could be had was irrigated and then they were crying for water.

The CHAIRMAN. I would just like to call your attention to one point here. We had Mr. Davis, the chief of the Reclamation Service up here, and in reply to a question by Mr. Rhodes, who said:

Based upon your knowledge of climatic conditions and the completion of the project, do you regard the Flathead irrigation project as entirely practicable, feasible, and necessary?

Mr. DAVIS. Practicable and feasible, it is, up to the extent the Reclamation Service has recommended that it be developed, that is, about 99,000 acres; but, following the opinions of the experts who have represented the Reclamation Service, I would eliminate about 35,000 acres on the project as now outlined by the Indian Service.

Senator WALSH. I have had a conference with Mr. Davis about that matter, and if he says that it ought not to be irrigated, I do not know about that.

The CHAIRMAN. Under such information from the experts, it would seem to the committee that the action we are taking at this time to hold up appropriations for the further development of the plants is the proper thing to do until we can get some definite understanding.

Mr. RHODES. Also tell the Senator what Mr. Davis said this morning in connection with cutting down the present appropriation.

The CHAIRMAN. You tell him.

Mr. RHODES. Mr. Davis appeared here this morning and agreed to this suggestion that with an amount for maintenance charges for the coming year based upon expenditures for the same purpose last year, together with the additional sum of \$25,000, with which to meet any emergency that might arise, that he would be willing to accept and be satisfied with it. Our intention, Senator, is not to interfere with the project at all or impair its ultimate completion, but merely to reduce this year's appropriations for this year, at least.

Senator WALSH. Of course, Mr. Chairman and Mr. Rhodes, I do not pretend to urge anything here against the advice of counsel. I have not had opportunity to examine these.

Mr. HAYDEN. That was not my understanding of what Mr. Davis said. Mr. Davis was told by the chairman before he made any statement at all that the committee did not care to hear any argument from him as to why the project should in any manner be extended, but all we wanted to find out from him was how much money would

be necessary to operate and maintain the project during the present year.

The CHAIRMAN. In justification of that I stated that ought to be all the information we thought Mr. Davis could give us, in view of the thorough investigation with him when he was on the stand during the hearings.

Mr. HAYDEN. Mr. Davis did not agree this morning that no new work should be done on this project, because, he stated, that he appeared here for the purpose of justifying an appropriation of \$1,000,000 submitted in the estimate. When he was advised by the committee that they did not care to hear him on that point, but only on how much money would be required for operation and maintenance, he stated that he could get along with the money allowed last year for that purpose plus \$25,000.

The CHAIRMAN. If the Senator cares, we will go back and have read what Mr. Davis did say.

Mr. RHODES. I do not think that I said that Mr. Davis stated that it would not be necessary to have these sums, but that he could get along with \$25,000 in excess of the sum.

Senator WALSH. Those two statements are easily reconcilable. Mr. Davis comes here and asks an appropriation for the early completion of this project, and then he is told you are not disposed at all to complete it, and you ask him how much he can get along with, and he says, "I can get along with so much."

The CHAIRMAN. I do not think there is any such wording in the record that he came here to justify a million-dollar proposition, or at any time in the hearings, anywhere, has he made any statement that he wanted any part of a million dollars to carry on this plan. But his testimony in the hearings, which can easily be read, has been along the line that no further real development should be put in there until more of this acreage is in use, and he says here in many places that it is impossible to get the Indian to farm, and more money should be spent for that purpose and less for the further development of water purposes, and he went away from here with that expression, satisfied with the understanding that we would be liberal in the amount he would require for maintenance and operation. There seems to be some conflict about what Mr. Davis said.

Mr. KELLY. I suggest that the testimony be read.

(The stenographer read the testimony of Mr. Davis as hereinbefore recorded.)

The CHAIRMAN. After spending several days on these irrigation projects in the hearing, I asked Mr. Davis this question:

The CHAIRMAN. Now, Mr. Davis, I am going to try in one question to see if we can not close up the testimony with regard to these three projects, namely, the Blackfeet, the Flathead, and Fort Peck. We have been dealing quite largely in opinions, and you have been asked your opinion what you would have done in case you had been in control at the time of the inception of the projects. Now, I am going to ask you this question: If you were in complete control of all three of these projects, considering them from every standpoint, just what would you do with them? And I will ask you to make a short statement in regard to each one in sequence.

Mr. DAVIS. In the Blackfeet I would, if I could induce the Indians to use the present works, and probably would delay construction operations one or two years to enable that proposition to be thoroughly tried out. If successful in having the works used to the extent they should be used, I would go ahead

with the construction of that work and use the lands for agriculture and for the industrial development of the Indian.

Regarding the Flathead, the conclusion would be very nearly the same, excepting that a large portion of that land is held by whites, and they are not using the water as fully as they should. But I think with the dry season they have up there this year, the lesson will be such that there will be much less criticism hereafter, as far the white men are concerned on the Flathead. I think the completion of the Flathead project, under such management as it should have, would be wise.

Regarding the Fort Peck, I am not sufficiently informed to give you a valuable answer to the question. I do not know the disposition of the Indians there enough to hypothecate a conclusion upon the possibility of developing the project. Physically it is, in my opinion, not as attractive as the other two. It is more expensive in proportion to the results. The climate, while not as cold as the Blackfeet, has disadvantages that are about as great. It is a more fluctuating climate. The works for certain results are more expensive. I would have to leave Fort Peck in doubt.

That was in conclusion after the investigation had gone on for some days. And that was what really brought us to the conclusion that we should discontinue going ahead with the capital development of these projects for the time being.

Senator WALSH. I must say, Mr. Chairman, I do not see anything in that that would permit anybody to reach that conclusion.

The CHAIRMAN. Of course, that was all corroborated by other witnesses and testimony.

Senator WALSH. Referring to Mr. Davis's testimony this morning, I do not see how any such could arise. If you don't give him money or other appropriations for construction he will get along with the appropriation for maintenance and upkeep that he had last year with a little additional to that because there was some work of construction carried on last year, and upkeep and maintenance will be a little larger, and then your suggestion that \$25,000 will be ample to take care of that.

That is Mr. Davis's statement this morning. He does not abandon in any way this morning his insistence that a liberal appropriation should be made to hurry the completion of the projects in the slightest.

The CHAIRMAN. But I have read to you where he recommends the elimination of the 35,000 acres.

Senator WALSH. That is another report.

The CHAIRMAN. The same Flathead proposition.

Senator WALSH. That was another one. Touching the Blackfeet, Mr. Chairman, I am in entire accord with Mr. Davis in respect to that. The Blackfeet is pretty well completed. There has always been some doubt because the Blackfeet is quite high. It lies at the very foot of the mountains and is very much higher, for instance, than Fort Peck. I suppose it is 2,000 feet higher than Fort Peck, and it has been understood that the Blackfeet is so high and so cold that crops can not be raised successfully. I do not feel that way about it. In fact, I do not see any difference between that and the Cary project immediately south of it, practically the same elevation, and which raises magnificent crops. It is a great success as far as crops are concerned, and I have not myself the slightest doubt about the success of the Blackfeet project as far as raising crops is concerned. The cold does not bother me at all. Mr. Davis does not indicate his wishes about the Fort Peck project at all, but, in my

judgment, the Fort Peck is a very much more inviting one than the Blackfeet because it is 2,000 feet lower and the variety of crops is greater.

The CHAIRMAN. If you have read the hearings you will notice that the Indian Commissioner practically recommended the elimination of Fort Peck entirely.

Senator WALSH. I do not express any surprise at that.

The CHAIRMAN. I call your attention to this fact, that in the beginning of the hearing on the reimbursable schemes the commissioner made a speech, in which he said that probably 50 per cent of the irrigation plans were defensible, many of them were of a doubtful nature, and some of them should be discontinued altogether. In particularizing on those, if I remember aright, Fort Peck was one of those he agreed should be eliminated.

Senator WALSH. This is rather startling information that you give to me, because it was not later than 1916 that a commission was appointed under an act of Congress to investigate each one of these projects. Their report is here and each one of them is thoroughly commended by the commission appointed for the express purpose of investigating them because some suggestions such as you now make of the doubtful propriety of them were being made.

The CHAIRMAN. It is a short statement that Mr. Sells made in reply to Mr. Rhodes's question, and I will read it:

Mr. RHODES. What particular enterprises would you regard as of a doubtful character?

Mr. SELLS. A large number of these appropriations have been made for irrigation purposes. The large appropriations have been for that purpose. I have entertained some doubt as to the wisdom, for example, of the Fort Peck reimbursable appropriation and of the Blackfeet.

Senator WALSH. Yes.

The CHAIRMAN. That is in the testimony, particularizing upon the general statement that I have.

Senator WALSH. He had entertained some doubt, there is no doubt about it, and this commission was sent out to investigate it and no one who has ever been connected with the matter, as far as I have been able to discover, either the Indian Office or the Reclamation Service, or the commission appointed to examine into it or the House Committee on Appropriations that went and looked over these projects, ever expressed a doubt about them.

Mr. RHODES. The next discussion following that same discussion was this:

In what respect does the Flathead enterprise differ from the Fort Peck and Blackfeet enterprises?

Mr. SELLS. The agricultural possibilities are quite different. The seasons are longer and the whole environment is conducive to better results. The climatic conditions on the Fort Peck and the Blackfeet are not so promising. Both of these reservations are essentially grazing localities. Some desirable results, however, have been secured in a grazing way.

Senator WALSH. Mr. Sells simply discloses that he does not know as much about Montana as I do.

The CHAIRMAN. But he is the man we look to.

Senator WALSH. I understand, Mr. Chairman. This is a general statement.

The CHAIRMAN. I am pleased to hear from the Senator, as I am always glad to listen to somebody who knows about actual conditions.

Senator WALSH. The fact about the matter is when he talks about seasons, the fact is that the season on the Fort Peck Reservation is longer than the season on the Blackfeet.

Mr. CARTER. What is the altitude of the Fort Peck?

Senator WALSH. I should think about 2,200. It is at the extreme eastern end of the State of Montana.

Mr. CARTER. It is down the river from the other project.

Senator WALSH. Sure. Its eastern extremity is 400 to 500 miles east of the Flathead Reservation. The Flathead Reservation is up in the mountains and the Fort Peck is down in the plains. You can raise corn on the Fort Peck Reservation.

Mr. CARTER. About what is the altitude of the Flathead, Senator?

Senator WALSH. I should say 4,000.

Senator MYERS. The Flathead is not over 3,000. Of course, the Fort Peck is much lower.

Senator WALSH. I think it is nearer 4,000 than 3,000.

Mr. CARTER. How about the altitude of the Blackfeet?

Senator WALSH. I should think it would be in the neighborhood of 3,500 or 4,000.

Mr. CARTER. The Blackfeet proposition is higher up the river, is it not?

Senator WALSH. It is up toward the mountains. The very sources of the Missouri are in the Blackfeet Reservation.

Mr. CARTER. Next comes the Flathead, which is below the Blackfeet, and last comes the Fort Peck, which is farthest east and farthest down the river?

Senator WALSH. Yes.

Mr. DALLINGER. Senator, the problem that is confronting the committee is the financial situation at the present time, the pressure to cut appropriations down.

Senator WALSH. I appreciate that.

Mr. DALLINGER. The committee is not unfriendly, as I understand it, to irrigation enterprises; but, apparently, from the testimony a little more than one-third of the acreage covered by this irrigation project, the Flathead project, is being utilized, and it seemed to the committee that it could well be delayed this year, that new construction could be delayed this year for that reason.

Senator WALSH. Of course, that would be a very logical position, if you are right, if the failure to use the leased or irrigated area did not arise from the exact condition I have referred to.

That leads me to say what I wanted to say in conclusion, Mr. Chairman. That is, that however the fact may be as to whether the Indians do utilize the water upon the lands that can be irrigated, or what is the same, if the white settlers do not, I wish to call your attention to the situation of affairs.

Here are these people invited by the Government of the United States to go up on the Flathead Indian Reservation and take up lands under that irrigation project upon practically a guaranty of the United States that that project would be completed so that they would get water on that particular land. They paid their money

and you have got their money upon that representation and they are there yet, excepting a good many of them that, waiting for water all these years, have completed their proof as settlers and can not get their title until the water is put upon the land. Do you not recognize that you are under some kind of obligation to extend that system to those people whose money you have taken.

The CHAIRMAN. Why don't they use the 60,000 acres ahead of that which has already been taken up? That is what I want explained.

Senator WALSH. They do not own the land, Mr. Chairman. A man takes up a piece of land on the Flathead Reservation and selects a tract on which he can make a home. He has put his last dollar into that, erected his house, he has inclosed his land and attempted to cultivate it and tried to cultivate it without water. How can you ask that man to give up that land and go and rent some land somewhere else where there is water?

The CHAIRMAN. But my understanding of the matter has been—it may be entirely erroneous—that the lands are only allotted as fast as they are irrigated.

Senator WALSH. I gathered, Mr. Chairman, that was your idea about it, and I want to disabuse you.

The CHAIRMAN. That is what I am asking all the time, why do they not take up the lands which are already irrigated and ready for water?

Senator WALSH. The trouble is these lands were all selected in order just as soon as the reservation was thrown open for settlement.

Mr. MERITT. Those lands have been allotted for a number of years.

The CHAIRMAN. Why is it they have not been leased to people who want to cultivate the lands out there before we go on making other investments in a larger area?

Senator WALSH. Let me say that settlement and allotment had been deferred until the various units of this project had been completed and then that land opened for settlement. and then another unit prepared for water and that thrown open to settlement. It may be that the idea you have in mind would work out perfectly well, but that is not the situation.

Mr. CARTER. As I understand, your position is this: That as soon as this project was projected and they started the construction, these lands were allotted and sold to the settlers.

Senator WALSH. No, Mr. Carter; before the construction was even started, a map was prepared like this map here [indicating] for the information of anybody who desires to go on the Flathead Reservation and take lands. Here was the irrigation project carried out. Here was the ditch.

Mr. CARTER. The ditch which was to be constructed?

Senator WALSH. To be constructed but not there at this time. Here is one of the laterals. The Government practically said to this man, if you go here and take this land you will have water for the irrigation of it, but you will have to pay accordingly. If you go up here above the ditch, you will never get water for the irrigation of these lands and you can get this land cheaper. These people who own land above the ditch and took the cheap land do not expect or look for water. But you have the money of the people who took the land under the ditch; you have got it in the Treasury of the United

States to the credit of the Indians, and those people who took lands in that neighborhood where the ditches are constructed, because they don't use it, you do not propose to carry out the original plan.

Mr. GANDY. Might I interpose a word?

The CHAIRMAN. If the Senator will permit.

Mr. GANDY. The relation between the area for which water is available and the area on which water is used does not always clearly indicate the number of settlers there are on the project going ahead with their work. For instance, the Belle Fourche project in my district is now something like 12 years old, one of the most successful projects in the United States; there were less than 30 delinquencies in the payments last year. On that sort of basis of last year, if you take the report, it shows there are 92,000 acres of irrigable lands, and a trifle over 60,000 acres were irrigated last year. That does not mean that one-third of the farm units were idle, but it does mean that the state of business of the individual water users of the project had reached that condition that they could cultivate all the lands that each one of them had.

Senator WALSH. An Indian has an allotment of 80 acres and cultivates five acres. He has an ice garden, and it is practically adequate for his purposes. You have only one-sixteenth of the area under cultivation.

The CHAIRMAN. Considering the statement of Mr. Gandy that he has just made and the statement you have made that we are under obligations to continue to develop these projects on account of some contract that we have made heretofore, I want to say this, that we have found in this investigation so many intricacies of contracts, treaties, agreements, and laws that we have thought—at least, the chairman has thought—as a business proposition, so little money having been returned upon any of the \$20,000,000 we have already put into these reimbursables and no provision made for any return, that it was time that we called a halt somewhere and find out something about what our obligations are. That is exactly what we are endeavoring to do here. There is no disposition on the part of any member of the committee on either side of the political phase of it, as far as I know, to interfere in any way with the proper development of a sufficient number of acres to comply with all our requirements and with any obligations into which we have entered. But we believe that the testimony we have taken warrants us in coming to the conclusion that certain fundamentals should be corrected and others now established to carry on these projects for the future. With that in view we have adopted the policy here—we do not know how far we are going to get with it, but we believe it is good business—to find out on each one of these projects what the original contract was, how far it has proceeded, whether or not we can begin to collect upon it. We have determined the only way we can do that is to get something in the law making it necessary in each one of those cases to enter into a new arrangement so that we will know the next time we come to the bill what the actual situation is and what we are obligated to do. That is the theory we have reached from the investigation of last summer and those are the conclusions that we have come to based upon these hearings.

Senator WALSH. I simply desire to say, Mr. Chairman, that I do not know of any reason why you should know more about it next year than this year. You will not see ever any better source of information than this year.

The CHAIRMAN. Will you permit me to make a further statement here to show you how the necessity for that conclusion appealed to me? Here is a statement that I made which bears upon the testimony that was given by Mr. Sells, the Commissioner of Indian Affairs, all through this investigation:

Mr. DAVIS. I think, Mr. Chairman, that it is a question, so far as the work is concerned, of drawing the line between what we should do and what we should not do.

The CHAIRMAN. Now, I want to go a little bit further. The commissioner, when he was on the stand, was unable to tell this committee whether the work under his own bureau was being done on any particular project by force account or by contract, and was unable to tell us what bureau was operating on a basis of its own force and what was contracting. He could not give us the name of a single contractor who was doing work, either for the Indian Bureau or through your service in the installation of these projects. Now, I maintain that the head of a department managing these affairs—and you say he is at least supervising them—should know that much anyway, and should know whether or not the money was being carefully and judiciously and economically spent. It seems to me that, since such information as that has come out, these big matters involving millions and many prospective millions of dollars, particularly, should be handled by some department that would have at least one man who could come before a committee of Congress and give full information with regard to the matter.

Senator WALSH. I gathered from the testimony of Mr. Sells, read by Mr. Rhodes, that he had been giving his attention to some other branch of his work.

The CHAIRMAN. I do not know what it is, but I maintain that justifies me in coming to the conclusions that I have presented to you a moment ago. I am willing to be educated on these matters by some one who knows the facts.

Senator WALSH. Lest I should be misunderstood about the question referring to the contract that exists between the Government of the United States and settlers whose money was taken, I desire to say that I did not use the term "contract" in a legal sense at all. There never was anything in the nature of a binding contract about the matter.

This is the situation: When the bill was passed, opening the Flathead Reservation to settlement, provision was made for the construction of an irrigation system, and provision was made for the appraisal of the lands, and, accordingly, the provision having been made for the irrigation system, the irrigation system was planned and laid out on the map, as I have indicated. The appraisal was made in the expectation that the appropriations would be made for the irrigation of those lands and settlements were made upon that basis.

Mr. HAYDEN. What was the difference in the appraised prices between the lands there above the ditch and those supposed to be irrigated?

Senator WALSH. My recollection was that the lands above the ditch were appraised at \$2 an acre and those below the ditch at \$7.

I thank you, gentlemen.

**STATEMENT OF HON. HENRY L. MYERS, UNITED STATES SENATOR
FROM MONTANA.**

Senator MYERS. Mr. Chairman, I understand that a few minutes before I arrived this morning, the committee took action on the Flathead appropriation and reduced it to \$99,000; is that correct?

The CHAIRMAN. Not to \$99,000; to \$100,000.

Senator MYERS. When does the committee expect to report this bill to the House?

The CHAIRMAN. As quickly as we can.

Senator MYERS. Do you think it will be before adjournment for the Christmas holidays?

The CHAIRMAN. I am certain that it will not be.

Senator MYERS. Then I ask out of deference to my colleague and myself who have just heard of this situation, and the entire Montana representation in Congress, and in the interest of the rights of these people on the reservation themselves, that this action be reconsidered and the matter be held open until I can communicate by wire with some people on the Flathead Reservation and give them an opportunity, if they wish to do so, to send a representative delegation down here to be heard within reasonable bounds and a reasonable length of time, to present their views. The people out there on the Flathead Reservation, both the white homesteaders and quite a number of Indians, are interested intensely in this appropriation and in the completion of this project; it is not the whites alone. There are many of the more industrious and substantial class of Indians out there who want this project completed as soon as possible and who are interested, and they have been corresponding with me for quite a while, wanting to send a delegation down here to be heard. I know that it costs considerable money to send two or three people down here from Montana and I never have positively encouraged them to do it.

Last year the estimate was \$375,000, and Congress gave that much. The year before the estimate was \$750,000, and Congress gave half of that, or \$375,000, and I thought as long as they were getting \$375,000 a year it was hardly worth while for a delegation to come down here and use up their money and your time.

The CHAIRMAN. Of course, when I said that it was indefinite when the bill would be reported, we expect to have the bill ready to report at the latest by the latter part of next week.

Senator MYERS. I can wire now, and if the delegation wants to come I can have them here by next Saturday.

Th CHAIRMAN. A week from to-day?

Senator MYERS. Yes, sir. It would be a shock to these people to learn that this committee had cut down this appropriation to \$100,000 without having an opportunity to be heard, and while I realize if they would send a delegation the result might not be changed, still, if they want to go to the expense of sending a delegation down, I believe in giving people the right to appear. I know they would be more satisfied if they have a chance to be heard.

The CHAIRMAN. I think the committee would be willing to wait until Friday of next week.

Senator MYERS. I do not know that they could start before Monday. Of course, Congress may adjourn next Saturday for the Christmas holidays, and if you are not going to report the bill until after the Christmas holidays, you could afford to hear them on that.

The CHAIRMAN. We want to report the bill a week from to-day, if possible.

Senator MYERS. It would be a great shock to them if this was cut down to \$100,000 without an opportunity to be heard. If you cut it down to \$100,000, it is going to be difficult to raise and get more than that in the Senate with the general cry for economy, with which I sympathize.

The CHAIRMAN. We are afflicted with that here, too.

Senator MYERS. I am giving you due credit for it. I am not detracting from your idea of economy. You certainly have it to a pronounced degree, and I give you credit for it.

The CHAIRMAN. Of course, we are not carrying this economy to the extent that it would interfere with the proper handling of these affairs.

Senator MYERS. We all believe in economy. The idea of economy with justice and utility must be carried out to arrive at what is right in the circumstances. That is what your committee wants to do.

Mr. DALLINGER. As I understand it, you and Senator Walsh are not particularly concerned immediately in regard to the Fort Peck and Blackfeet projects. It is the Flathead that you are particularly interested in.

Senator MYERS. I am much more interested in the Flathead than any Indian reclamation project in Montana because I live close to it and have been upon the ground, and I think the needs are great.

Mr. DALLINGER. What is the smallest amount that you would be satisfied with without asking for a hearing and delaying this bill?

Senator MYERS. That is a hard question to answer. Of course, the estimate here is for the million dollars, and I think a million dollars ought to be appropriated. If you would give a half million dollars without delay, or even \$375,000, the amount that was given last year, I, perhaps, would wire the people in Montana that they had better not come, as they would be getting the same as last year, and they should let it go at that.

The CHAIRMAN. We could not do that and be consistent on the other positions that we are forced to take.

Senator MYERS. Let me say in regard to the Montana projects: I think, with due respect to all of them, that the Flathead is the most important and the most feasible. I think it is more feasible than the Blackfeet and Fort Peck, and, at least, it has gone nearer to completion, and I think more depends upon it. Whether it is more feasible than the Crow, I do not know; I am not acquainted with the Crow. The altitude is low, and they have splendid crops and a fine climate on the Crow, and it may be as good a project as the Flathead.

There has been expended on this Flathead project, I believe, about \$3,500,000.

Mr. MERITT. For construction work to June 30, 1919, \$3,211,954, and for operation and maintenance, \$263,571.

Senator MYERS. About three and three quarters million dollars altogether.

The CHAIRMAN. It is calculated that it will take \$2,641,000 to complete.

Senator MYERS. If you are going to complete this project, if you think it is worth completing, why not complete it as rapidly as possible? If you were going to build a house, you would not lay the foundation and spend \$1,000 a year to build it; you would rush it to completion as quick as possible even if you had to borrow money, and put it to some use, rent it and get an income from it.

This is getting pretty near completion, three-fourths completed; why not go ahead and complete it? The land is good land; it is going to be utilized, and the quicker it is completed the quicker the land is going to be utilized. There is no doubt about that. If you do not regard the project as worthy, why appropriate \$100,000?

The CHAIRMAN. What have you to say in opposition to the recommendation of the Chief of the Reclamation Service to eliminate from this project 35,000 acres?

Senator MYERS. I can not say because I do not know much about it, but I know that Secretary of the Interior Lane is absolutely heartily in favor of completing this project as soon as possible. He estimated and recommended a million dollars for this year, and he believes, as I do, in going along with it as fast as possible.

In regard to that recommendation I have heard something about it. I do not recollect reading any communication in which it was set forth, but my recollection is that in view of the estimates made to Congress a few years ago and the intense fight we have always had over this project that the Reclamation Service drew up a sort of amended program some two or three years ago, I do not remember the exact time, and said that if Congress is not disposed to build this project in its entirety we can cut out so much of it that they could possibly get along with without irrigation.

The CHAIRMAN. What do you know about this project called the "Big Muddy" which he recommends being cut out?

Senator MYERS. I have understood that owing to the apparent reluctance of Congress to push this Flathead project along as fast as the department thought it should be pushed, and the fight has been intense against it for years, I have understood that the Reclamation Service said, if Congress is not disposed to push this along as fast as it ought we can cut out part of it and get there with that. But I never understood that the Reclamation Service recommended that any part of it be dispensed with.

The CHAIRMAN. I would like to qualify my statement, that the Reclamation Service recommended elimination of 35,000 acres. I stated that Mr. Davis in his testimony recommended the elimination of 35,000 acres.

Senator MYERS. When did he do that?

The CHAIRMAN. It was read a few moments ago.

Senator MYERS. When was that testimony given?

The CHAIRMAN. October 17, 1919.

Senator MYERS. I would like to hear what he says.

Mr. MERITT. There was a small project that was recommended by the Reclamation Service to be eliminated from the Flathead irrigation scheme but upon investigation by the Indian Bureau it was found that a large per cent of that land had been allotted to the

Flathead Indians, and inasmuch as this project was being constructed, at least, partially for the benefit of the Flathead Indians, we thought it would be an injustice to the Flathead Indians to eliminate that part of the project because it was very largely for the benefit of the Indians.

Senator MYERS. Where was that?

Mr. MERITT. What is known as the Crow Creek branch of the project.

The CHAIRMAN. I will read what Mr. Davis said, in reply to the question of Mr. Rhodes:

Based upon your knowledge of climatic conditions and the completion of the project, do you regard the Flathead irrigation project as entirely practicable, feasible, and necessary?

Mr. DAVIS. Practicable and feasible it is, up to the extent the Reclamation Service has recommended that it be developed; that is, about 99,000 acres; but, following the opinions of the experts who have represented the Reclamation Service, I would eliminate about 35,000 acres on the project as now outlined by the Indian Service.

Mr. MYERS. When it comes to being necessary, he said it was not, but practicable and feasible it was—that 35,000 acres he would be willing to say it was necessary in view of the report of the experts.

As regards that, I think it does show that the knowledge of the experts on the subject is woefully deficient. That climate is all the same out there. They do not have a heavy rainfall here and none at all over there 2 or 3 miles away. The rainfall is just about alike, and to say that 35,000 acres where they have a sufficient rainfall and do not need irrigation and the balance does it is nonsense. There is nothing to that. I have been there from time to time. I know the kind of crops they raise on it, and once in a while they have had more than an average rainfall and raise a fairly good crop without irrigation, but the majority of the time they have to have irrigation in order to be sure of a good crop.

The CHAIRMAN. I am willing to make an agreement to listen to your delegation if you can get them here by Friday afternoon, as we certainly want to report this bill not later than a week from to-day, if possible. They have been pressing me to get it in before the holidays, but I can see that that is impossible. They will certainly want to take it up immediately after the holidays.

Senator MYERS. Could these gentlemen be heard next Saturday afternoon if they see fit to come?

The CHAIRMAN. We will hear them on Friday and might squeeze it over to Saturday morning. I want to accommodate you.

Senator MYERS. I thank you for that, Mr. Chairman. I will wire them the circumstances and I do not know that they will decide to come. I will ask them to notify me and I will let you know.

The CHAIRMAN. We are very pleased to have had you with us, gentlemen.

(Thereupon, at 12.45 o'clock p. m., the subcommittee took a recess until 2 o'clock p. m.)

AFTER RECESS.

The subcommittee reassembled at 2 o'clock p. m., pursuant to recess, Hon. Homer P. Snyder (chairman) presiding.

The CHAIRMAN. Gentlemen, we will resume with the bill at page 46, line 11. Before proceeding, we have agreed to listen for a short time to Representative Smith, of Idaho, on a matter that he wants to take up with us.

STATEMENT OF HON. ADDISON T. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IDAHO.

Mr. SMITH. I appreciate, Mr. Chairman, the desire of the committee to keep down appropriations, and we also feel somewhat handicapped because of the fact that the Secretary of the Interior did not submit an estimate for the enlargement of the Fort Hall irrigation project. But we wish in the short time allotted us to bring to your attention what we think are very important reasons why this project should be enlarged. On this reservation there are nearly 2,000 Indians. There are about 25,000 acres under the project that are irrigated, leaving 25,000 acres on the project as it exists at present that might be irrigated if the project is rebuilt. There are approximately 25,000 additional acres, one-half of which is outside of the reservation, which could be irrigated if the project is extended. The land outside of the reservation, about 12,000 acres, is in private title, and the owners of these lands would be glad to come in and pay their proportionate share of the expense of enlarging the project so as to make water available.

Mr. RHODES. Under this method of reimbursable appropriations, how would it be practicable for the white men to come in and bear their share of the expense of this extension work?

Mr. SMITH. Of course, the expense of the extension would have to be apportioned among the white men who come in on new lands. We are also willing to have inserted in the bill a provision that those white settlers, who are now using water under the contract at \$6 an acre, shall be required to pay their proportionate share of rebuilding the reservoir. We have no desire at all to make any plea for the settlers who under the law were to get their water for \$6 an acre. We are reliably advised that these men are willing to sign a contract to pay, in addition to the \$6 as provided in the original act, their proportionate share of the expense of rehabilitating the project.

The condition of the reservoir is such that it is very unstable, and unless steps are taken to rebuild the dam and widen the canals the whole system will greatly deteriorate and possibly have to be abandoned.

It is not necessary to impress upon the committee the importance of utilizing the arid lands where we have the water for reclamation in order that the food supply may be increased, and that those who are on the land attempting to dry-farm it should have the benefit of the increased production as a result of irrigation. It is an investment, in a way, for the Government, and will be very beneficial not only to the people who will occupy the land but to the country generally.

As I remarked, we are perfectly willing and expect to reimburse the Government for the expense of making the water available to the white settlers. Mr. Swendsen, the State engineer of Idaho, has called to my attention the very important fact, which I will not

enlarge upon as he will explain fully, and that is that if this project is not enlarged, as proposed, very soon this additional water will be put to beneficial use elsewhere, applications for which water are pending in the office of the State engineer, and it will then be impossible to enlarge the project and take in the amount of lands proposed because the water will be carried to other projects farther down the river.

I am advised that the committee has already been furnished with detailed information regarding the amount already expended on the project, and also that none of it has been returned to the Government for the reason that the project has never been legally declared completed. Those settlers who had contracted to purchase water at \$6 an acre have paid nothing, for the reason that the project has not been completed and they have not been called upon to pay. It is not necessary for me to enlarge upon that. But I will defer to Mr. Swendsen, who can answer any questions of a technical character regarding the project. I would also like to have the chairman of the committee propound an inquiry to Mr. Meritt, the Assistant Commissioner of Indian Affairs, as to why an item was not put in the Book of Estimates, in view of the fact that the Secretary of the Interior had favorably recommended the enactment of separate bills to both Houses of Congress, carrying the necessary appropriation.

THE CHAIRMAN. As far as I am concerned, Mr. Meritt can answer your question right there now, if you desire it.

MR. SMITH. I would really like to know, Mr. Meritt, on what ground, when the Secretary recognizes this as a meritorious project, and you will bear me out in all the statements I have made that the Secretary recommended favorable action on bills introduced in both branches of Congress, that he then failed to estimate for it in the Book of Estimates.

MR. MERITT. This legislation was pending before both the House and Senate and the Secretary has submitted a favorable report upon these bills with recommendation of an amendment so that those white owners of lands under that project who got their irrigation construction costs at \$6 per acre by direct act of Congress should be required to pay their proportionate share of the cost of the project. Inasmuch as the department has submitted favorable recommendations on these bills pending before Congress and inasmuch as it was the desire of the department to keep its estimates down to the lowest point possible, we did not include the item in our estimates. It was not because the department was not favorable to the project but it is because the department had already submitted favorable recommendations on the legislation pending in Congress and we did not deem it absolutely necessary to include this item in our estimates.

MR. SMITH. Of course, the Secretary recognizes the fact that the Committee on Indian Affairs in both Houses are loth to include in the bill appropriations that are not regularly estimated for, and it seems to me that we should have had this item included in the Book of Estimates. However, I hope the committee will recognize the merits of this proposition and not adhere strictly to their policy of not including any appropriations for items that are not regularly estimated for. I will defer to Mr. Swendsen.

STATEMENT OF MR. W. G. SWENDSEN, COMMISSIONER OF RECLAMATION AND STATE ENGINEER, BOISE, IDAHO.

The CHAIRMAN. You are recognized for 10 minutes.

Mr. SWENDSEN. Congressman Smith has referred to two or three very important reasons why this project should be undertaken and extended to completion without delay. I think the most important one of those reasons is the fact that if this water is not made available and used upon these Indian lands and other lands in this project without further delay, that you will be forever estopped from obtaining water for these lands for the reason that there is only one source of flow available.

Under the laws of the State of Idaho and under its constitution beneficial use of water constitutes the only means of obtaining a right to its use. If this water is not used upon these lands in the very near future, at the present rate of our development in Idaho the entire source of water supply will be put to other lands and you will, therefore, be forever estopped from obtaining water for these lands, and that will result in a loss to the Indian Department or to the Indians on that reservation of, at least, in my estimation, \$3,000,000. All that is predicated upon a \$100 value for the lands, which is very reasonable and nominal.

There is at present in the project approximately 30,000 acres of lands that are not being irrigated. The reason for that is that the water is not available for them, because in the first place the dam at the storage reservoir is not in a condition to store water to the full capacity of the reservoir. If that is not required and fixed so that it can store water to its full capacity, you will later be estopped from even impounding water to its full capacity after it is fixed by reason of the fact that that water will be used on other lands, and can not, therefore, be made available for this project. The dam in its present condition is very unsafe. It is a menace to the lives and property of people living on the stream below, and unless it is repaired the entire investment that is now had in this project may be wiped out and lost at any time. The project as it now stands itself is almost wholly dependent upon storage water impounded under the reservoir. It is true they have some natural flow, which does not have to be impounded, but that is exhausted early in the season. The holding of water impounded in the reservoir is necessary to mature the crops and make the project a success.

In the next place, the value of lands that are now not irrigated, belonging not only to the allotted lands but to the tribal lands, is nothing. The land under water in that country is not worth anything at all, gentlemen. It will not produce a cent's worth of crops and supports nothing. If you pass the opportunity to obtain water, you will, therefore, wipe out the probable ultimate value of that property. If water is put upon it, both on the allotted lands and on the tribal lands, the returns from the crops will, in my opinion, be more than sufficient to support the entire tribe.

It is true that that tribe of Indians do not take kindly to agricultural work, but under the present management on that reservation and under that project a large area of those lands are being rented or leased to white men for the growth of sugar beets and

other crops, and the return from that lease, both to allotted lands and tribal lands, will be, in my opinion, more than sufficient to make this entire reservation self-supporting if this project is finished. On the other hand, if it is not, and is not finished without delay, you can not finish it because you will not have the water, and in its present state it is deteriorating every year because of the fact that it is not a finished product. You only have a small portion of the land under the project here and there that is irrigated, and that means a small revenue for maintenance purposes. If you had the entire area under cultivation and under irrigation you could then assess the entire project for maintenance charges and obtain sufficient money by these means to keep the project in its proper shape and it will not deteriorate and run down.

The lands under this project are among the best lands in the State of Idaho and will yield a handsome return. Agricultural lands adjacent to this project, which have an ample water supply, are worth all the way from \$200 to \$300, depending upon their state of improvement.

From the standpoint of Idaho and the white settlers, I may say this, that Idaho is dependent upon its water resources for existence, particularly this part of the State. It is practically the only resource we have. We are interested, therefore, in making the most out of that resource, in applying that water to lands, which will result in giving the greatest good to the greatest number. If this water is applied on the private lands adjacent to this project, it will be applied elsewhere, but it would not give such a nice return as it will give if it is applied here. Therefore, it is highly desirable not only to include the lands in the reservation, but making ample provision in this appropriation to take care of some 12,000 acres of additional lands lying west of the present reservation and extending up to meet what is known as American Falls. That will result in using this water to the best advantage and putting it on the land at the most reasonable cost.

MR. HAYDEN. AS I understand the situation, at the present there has been expended about \$27 an acre on this project, and to complete it in accordance with the suggestions you have made would cost us an additional \$11 or \$12 an acre. The white settlers on the project are now obligated to pay but \$6 an acre of the \$27 that has been heretofore expended, leaving a difference and a loss to the Government of \$21 an acre. I did not quite understand whether they were willing to now make up the \$21 and pay the additional \$11 or \$12, or whether they only contemplated paying the extra amount that would be required to complete the project, and stand on their \$6 contract with respect to the \$27 expenditure.

MR. SWENDSEN. I am not able to answer that question.

MR. SMITH. I took that question up with Mr. Brady, who is one of the largest owners there in that land, and he assured me that there would be no question but what the settlers would be perfectly willing to pay their proportionate share. He said that he would be willing to do so, and he has about 800 acres.

MR. HAYDEN. Is that proportionate share for new work only or does it include the \$27 per acre heretofore expended?

MR. SMITH. I think from his conversation that he expected he and his neighbors who are under the project will pay up the actual cost,

regardless of this act limiting what they have to pay to \$6 an acre.

Mr. HAYDEN. Then this committee will be justified in making an appropriation conditional upon a new contract with the settlers to the effect that they shall pay the total amount, which will probably be \$40, before the work is entirely done. You think they will pay the full sum and that the United States will be reimbursed for every cent expended on the project first and last?

Mr. SMITH. I think you are perfectly safe in so providing in the bill.

With reference to this \$6 an acre, I was not familiar with that legislation at the time it was enacted. I understand when that legislation was enacted it was believed that \$6 would be the limit of cost of putting the water on the land. It was not intended to impose any burden upon the Government in connection with the project as far as the white settlers are concerned.

Mr. HAYDEN. It was one of those cases where the estimate of the cost was vastly less than the actual cost of the work when completed.

Mr. SMITH. Yes; undoubtedly.

Mr. SWENDSEN. I have nothing further to offer except to urge that one thing.

Mr. RHODES. As representing the State of Idaho, is the position you are taking here consistent with the position that you occupy, in regard to your State, in other reclamation projects?

Mr. SWENDSEN. You mean with respect to water rights? Yes; it is. As a matter of fact, these are statutory requirements. The fundamental principle of our irrigation law, both as provided by our laws and constitution of the State, which has been ratified by Congress, is that beneficial use must be had before you can hold a right to use water. Failing to do it in a period of five years constitutes abandonment, and it can be used thereafter by other parties. Now, the condition that you people will find yourselves in with respect to the water rights for these lands is that if you do not proceed without further delay to avail yourselves of the right to use this water you are going to lose the right and can not obtain it again.

Mr. RHODES. Who will obtain the rights in the event by procrastination we should lose?

Mr. SWENDSEN. There is now under contemplation in the State of Idaho a development on the Snake River which, when completed, will conserve and utilize every drop of water in that stream.

Mr. RHODES. If they accomplish their purposes, then the Indians would be deprived of the benefits arising to them on the reservation?

Mr. SWENDSEN. Absolutely.

Mr. RHODES. On the other hand, if we do what you think we ought to do, we would necessarily deprive these people of privileges which they expect to enjoy.

Mr. SWENDSEN. That comes down to the point of the irrigation law in our State again wherein it holds that the first in use is the first in right.

Mr. RHODES. Is there sufficient or is there not sufficient water supply beyond the requirements of both?

Mr. SWENDSEN. Like practically all the Western States, Idaho's arid land exceeds the available water supply, and while the entire

water supply of the Snake River and its tributaries can be used on other lands, some of these lands are not quite so desirable as the lands here.

Mr. RHODES. Your opinion is we should make use of it for the benefit of the Indians.

Mr. SWENDSEN. Yes, primarily, and in addition to that, that Idaho may get the best out of these water resources to the extent that this project would cover private lands susceptible of irrigation, and therefore obtain the best use out of our water supply.

Mr. SMITH. I thank you, gentlemen, for this hearing.

The CHAIRMAN. If there are no further questions, we will consider the matter, and you can leave any papers in the matter with us.

Mr. SMITH. Yes.

The CHAIRMAN. We were discussing the section on page 46, line 11, and the question was whether we would appropriate \$155,000 for a dam for the Crow Reservation in Montana, including maintenance, and so forth.

Mr. RHODES. Mr. Chairman, I had just reached the point wherein I had stated, the chair having called my attention to that proposition, that in order to be consistent with the plan agreed upon, the only appropriation we would be authorized in recommending here would be an amount equal to the sum expended for support and maintenance last year, together with a reasonable sum for meeting any contingencies that might arise, and the figures were called for.

Mr. RHODES. I would like to have these figures if Mr. Meritt has them so we could determine what it would be.

Mr. MERITT. Mr. Chairman, if the committee will not permit us to construct a dam, we would like very much to have, at least, the amount that was appropriated in the Indian bill of last year.

Mr. RHODES. What was that?

Mr. MERITT. \$150,000.

Mr. RHODES. Do you think that the committee would be justified in adding to that the sum of \$25,000, which was added to each one of the other three cases?

Mr. MERITT. That would be agreeable to us, making it \$175,000.

Mr. RHODES. Do you think we would be justified in adding that for the same reasons we were justified in adding \$25,000 to each one of the other propositions?

The CHAIRMAN. Only this, that the \$150,000 item includes construction as well as operation and maintenance.

Mr. RHODES. Then, of course, we would not be justified in adding \$25,000?

The CHAIRMAN. No.

Mr. RHODES. I move that the sum be fixed at \$150,000.

Mr. DALLINGER. You will want to change the wording.

The CHAIRMAN. We will strike out the language beginning after the word "Montana," on line 17, down to and including the item \$155,000, on line 23.

Mr. DALLINGER. You don't say what you are going to use the money for. Don't you want in "maintenance and operation"?

Mr. MERITT. If you are going to eliminate the Big Horn project, you strike out the italics and restore the item to read as it was last year.

The CHAIRMAN. That is exactly what we want to do.

Mr. DALLINGER. For making necessary improvements to the irrigation system.

Mr. RHODES. It is only for maintenance.

Mr. DALLINGER. Exactly. You have got to have some word for maintenance in there. If you strike out the italics it makes no sense.

Mr. MERITT. We would like to have it read as last year, because we understand some of the money would apply.

The CHAIRMAN. We are willing to leave it in as last year on the basis of \$155,000. I will ask Mr. Meritt to just read it as it was last year.

Mr. MERITT. Simply strike out the italics and restore the language lined out, making \$150,000 instead of \$360,000, and strike out the last two words of line 17 down to \$155,000, in line 23.

Mr. DALLINGER. If you add what Mr. Meritt suggests, the language of the bill reads: .

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States the sum of \$150,000 of any tribal funds on deposit to the credit of the Crow Indians in the State of Montana, and to expend the same for making necessary improvements to the irrigation system in the Big Horn Valley on the Crow Reservation in Montana.

And there is no word about maintenance. Why don't you leave the words that are crossed out here in the original bill and cross out the extension and improvement so it will read, "for the maintenance and operation of the irrigation system on the Crow Reservation in Montana"?

Mr. MERITT. If you add after the word "Montana," in line 17, "for maintenance and operation," that would cover the matter.

The CHAIRMAN. I think so. What we want to strike out is "construction and improvements."

Mr. DALLINGER. You say strike out all words in italics and reinsert the words crossed out; then you simply have improvements, without anything in for maintenance. If you leave the words already crossed out, crossed out, and then use the words, "extensions and improvements" in italics, have you not the language just as you want it—"and to expend the same for maintenance and operation of the irrigation systems on the Crow Reservation in Montana"? Do you want to include maintenance assessments to the Two Leggings Water Users' Association, etc.?

Mr. MERITT. Yes, sir.

Mr. DALLINGER. Also, "and including also the construction of a concrete diversion dam on the Big Horn River at a cost not to exceed \$155,000, so it will read the way you have it in the bill, "and to expend the same for maintenance and operation," and lines 19, 20, 21, and 22, down to \$155,000, in line 23.

Mr. MERITT. If you add the words, "and for improvement, maintenance, and operation," because we will want to build some.

Mr. DALLINGER. Leave the word "improvement" in there?

Mr. MERITT. Yes. Strike out all after the word "association," in line 21; that is, strike out "and including also the construction of a concrete diversion dam on the Big Horn River at a cost not to exceed \$155,000."

Mr. DALLINGER. So it will read:

To expend the same for the improvement, maintenance, and operation of the irrigation systems on the Crow Reservation, including maintenance assessments payable to the Two Leggings Water Users' Association, said sum or such part thereof as may be used for the purpose indicated, to be reimbursed to the tribe under such rules and regulations as may be prescribed by the Secretary of the Interior.

The CHAIRMAN. That is agreed to.

Mr. MERITT. Strike out after the word "Association" this language:

and including also the construction of a concrete diversion dam on the Big Horn River at a cost not to exceed \$155,000.

The CHAIRMAN. Last night we discussed the first item on page 49, lines 1 to 6, and decided to let it stay in.

Mr. MERITT. The item and justification have been placed in the record.

The CHAIRMAN. The next item is on page 49, lines 7 to 13, inclusive.

Mr. MERITT. The justification has been put in the record under that item.

The CHAIRMAN. Mr. Hastings discussed that matter to some extent, and I do not think we determined it.

Mr. MERITT. Mr. Hastings brought up the point that these minerals should be reserved in the name of the Fort Peck Indians instead of in the name of the United States. It is, in fact, property of the Fort Peck Indians, and simply reserves it for the benefit of the United States, with the disposition of it for the benefit of the Fort Peck Indians, and we would have no objection to the language in line 11 being changed to "the Fort Peck Indians."

The CHAIRMAN. Instead of to the United States. Line 11, page 49, strike out "United States" after the word "the" and insert "Fort Peck Indians."

Some one must defend that on the floor besides me as I am not quite clear on that yet.

Mr. HAYDEN. The language is in the usual form where reservations have been made to the United States of the coal and allowing surface agricultural units as coal lands. The principle is well established in the public-land laws.

The CHAIRMAN. The clerk will read the next item, page 49, line 14, down to and including line 6 on page 50.

That the State of Montana, acting through its proper officials, is hereby authorized to select two hundred acres of unappropriated, unreserved, and nonmineral lands within the boundaries of the former Flathead Indian Reservation in Montana, or an equal quantity of public lands of like character within the boundaries of said State, in lieu of the northwest quarter and the northeast quarter of the southwest quarter of section sixteen, township eighteen north, range twenty-one west, Montana meridian, Montana, upon due and proper showing that the lands authorized herein to be surrendered by the State have not been sold or otherwise encumbered by it, and the selection of such lieu lands by the said State shall be a waiver of its right, title, and claim in and to the tracts in said section sixteen above described: *Provided*, That in case the exchange herein contemplated shall be perfected the lands so surrendered by the State shall be held for the benefit of Flathead Tribe and be subject to such disposition as shall be directed by the Secretary of the Interior.

Mr. MERITT. We offer for the record the following justification:

The present agency reserve is located on a steep hillside and is entirely inadequate in the administration of affairs of the Flathead Tribe. In view of this, it has been urged by an inspector of this department who has carefully studied the situation that negotiations be at once entered into with the Montana Land Board for the exchange of a tract of 200 acres of State land, adjoining the agency on the south, for an equal or adequate acreage elsewhere. The 200 acres proposed to be added to the reserve, supra, contain an extensive area which can be cultivated and thus afford a means for the maintenance of stock. In the past it has been necessary to purchase much grain for the upkeep of agency and other stock. The Montana State Land Board, through its register, has indicated a willingness to exchange the lands in question for other areas in the event that the necessary authority therefor is obtained.

The CHAIRMAN. Do you wish to make any further statement on that item?

Mr. MERITT. No, sir.

The CHAIRMAN. If there is no objection, we will approve it and pass to the next item, page 50, line 7.

That allotments authorized by the act of August 1, 1914 (Thirty-eighth Statutes at Large, page 593), to unallotted children on the Fort Peck Reservation may be made from irrigable lands in the same manner and to the same extent as authorized by the act of May 30, 1908 (Thirty-fifth Statutes at Large, page 558), to members of the tribe "living at the day of the beginning of the work of allotment on said reservation."

Mr. MERITT. We offer for the record the following justification:

The act of August 1, 1914, authorized allotments under the provisions of the act of May 30, 1908, to unallotted children of the Fort Peck Reservation, so long as the surplus lands therein remain undisposed of, under such rules and regulations as the Secretary of the Interior may prescribe. The act of 1908 authorized irrigable allotments of not more than 40 acres to members of the tribe "living at the day of the beginning of the work of allotment on said reservation." The spirit and intent of the act of August 1, 1914, is to benefit those members of the tribe who are prevented from taking allotments under the act of 1908 inasmuch as they were not in being at the time allotments were being made thereunder, or did not come within the purview of the act. The former act did not amend or modify any of the provisions of the act of 1908 as to the particular persons entitled to irrigable lands in addition to their grazing allotments. A delegation of Indians from the Fort Peck Reservation has recently requested that legislation be obtained to provide for allotments of irrigable tracts to children of the Fort Peck Reservation who are now, or who may hereafter be, entitled to allotments under the act of August 1, 1914, supra. They submit that as the law now stands these children are being unjustly discriminated against. It is believed that these children should be given the same right to acquire irrigable allotments as other Indians allotted on the Fort Peck Reservation.

The CHAIRMAN. Is such legislation necessary in the judgment of the bureau?

Mr. MERITT. Yes, sir; and the Indians desire it.

The CHAIRMAN. And is there plenty of land to allot to them?

Mr. MERITT. Yes, sir.

The CHAIRMAN. If there is no objection, then, we will proceed to the next item, page 50, line 16:

NEBRASKA.

SEC. 12. For support and education of 400 Indian pupils at the Indian school at Genoa, Nebr., including pay of superintendent, \$82,000; for general repairs and improvements, \$10,000; for new commissary building, \$6,000; for extension of water system and additional water supply, \$4,500; in all, \$102,500.

MR. MERITT. We offer for the record the following justification:

Indian School, Genoa, Nebr.

Fiscal year ending June 30, 1920; amount appropriated	\$82,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated	78,000.00
Amount expended	77,882.89
Unexpended balance	117.11
Analysis of expenditures:	
Salaries, wages, etc.	25,441.47
Transportation of supplies	1,409.81
Telegraph and telephone service	28.42
Stationery, printing, schoolroom supplies	816.75
Subsistence supplies	19,612.60
Dry goods, clothing, etc.	11,194.36
Forage	2,802.66
Fuel, lubricants, power and light service	8,864.78
Medical supplies, etc.	528.85
Equipment and miscellaneous material	5,809.66
Miscellaneous	1,139.42
Outstanding liabilities	234.13
Total	77,882.89

REPAIRS AND IMPROVEMENTS.

Fiscal year ending June 30, 1920; amount appropriated	10,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated	7,500.00
Amount expended	7,465.00
Unexpended balance	35.00
Analysis of expenditures:	
Repair of buildings	7,372.68
Outstanding liabilities	92.32
Total	7,465.00

STATISTICAL STATEMENT FOR YEAR ENDED JUNE 30, 1919.

Value of school plant (real property)	\$318,990
Number of buildings	43
Number of employees	43
Total salaries	\$30,560
Average attendance of pupils	233
Average enrollment	354
Capacity	400
Cost per capita based on enrollment	\$204
Cost per capita based on average attendance	\$310
Area of school land (acres)	306
Area of school land (acres cultivated)	178
Value of agricultural products	\$10,529
Value of other school products	\$2,704
Indian money, proceeds of labor (school earnings) expended	\$6,887

SUPERINTENDENT'S ESTIMATE OF ABSOLUTE NEEDS FOR 1921.

Support	\$82,000
Repairs and improvements	10,000
New Buildings	6,000
Additional water supply	4,500
Total	102,500

REQUESTED IN PROPOSED BILL FOR 1921.

Support and education of 400 Indian pupils at the Indian school, and superintendent's salary	\$82,000
Repairs and improvements	10,000
New buildings	6,000
Extension of water system and additional water supply	4,500
Total	102,500

POSITIONS AND SALARIES, 1919.

Superintendent	\$2,000	Teacher of housekeeping	\$720
Clerk	1,000	Nurse	720
Assistant clerk	780	Seamstress	600
Do	720	Assistant seamstress	300
Do	680	Cook	600
Physician (contract)	720	Assistant cook	500
Disciplinarian and physical director	1,200	Baker	540
Assistant disciplinarian and band leader	840	Laundress	500
Principal teacher	1,200	Engineer	1,000
Teacher	780	Assistant engineer	720
Do	750	Farmer	900
Do	720	Carpenter	880
Do	660	Gardener	840
Do	630	Dairyman	780
Do	600	Blacksmith	780
Music teacher	600	Shoe and harness maker	780
Teacher	600	Laborer	720
Matron	720	Assistant	300
Assistant matron	600	Do	300
Do	600	Do	300
Do	540	Do	300
Do	540	Total	30,560

The item \$82,000 is for support and education of 400 Indian pupils, based on a \$200 per capita allowance, and salary of the superintendent.

This is one of the oldest schools in the service and is in need of considerable repairs.

A commissary or storehouse, where school supplies can be properly stored, should be provided. At present they are distributed in several different buildings and one small commissary, which will not hold half the supplies.

The water supply for the whole school is secured from one shallow well. For two years it has furnished barely enough for regular school use. In case of fire it will be pumped dry in a short time. Its flow is still diminishing. It is proposed to sink another well near the present well and use both.

The CHAIRMAN. A new commissary building is asked for at \$6,000, and additional water supply to the extent of \$4,500. I notice that the average attendance of this school is 233 and capacity is 400. It would seem to me that if it was ever intended that 400 children should be accommodated in that school that the water supply and commissary buildings ought to be sufficient for the average attendance.

Mr. MERITT. That is a very poor showing of average attendance at that school, but it is due somewhat to influenza conditions during the last year.

The CHAIRMAN. What can you tell us in regard to what they propose to do in the way of increasing the water supply?

Mr. MERITT. They propose to drill a well or wells sufficient to get an adequate water supply for the school.

The CHAIRMAN. Do they get all their water there now from wells?

Mr. MERITT. Yes, sir.

The CHAIRMAN. I am disposed to favor the question of the water, but I am disposed to be opposed to the \$6,000 item for a new commissary building, due to the fact that there must be a lot of capacity there now which could be used for that purpose.

Mr. DALLINGER. What is the condition of the old building?

Mr. MERITT. The old buildings are in somewhat poor condition, because of their age. The school has been in operation a great many years.

Mr. DALLINGER. The point I am getting at is, whether you ask for a new building because that building can not be longer repaired.

Mr. MERITT. It is entirely too small to hold the supplies that are necessary.

Mr. DALLINGER. The school has not increased any in size, according to the testimony. How have you been getting along?

Mr. MERITT. They have been depositing the supplies in the basement of the other buildings. However, in view of the statement of the chairman, we will try to get along without the commissary building this year.

The CHAIRMAN. Unless there is objection we will cut out \$6,000 for a new commissary building and allow the additional amount for water. They should have water not only to drink but to wash in.

Mr. DALLINGER. That makes it \$96,500.

The CHAIRMAN. It is supposed that there will be a greater necessity for drinking water in the future than in the past. The next item is page 51, lines 1 to 3.

NEVADA.

SEC. 13. For support and civilization of Indians in Nevada, including pay of employees, \$18,500.

Mr. MERITT. We offer for the record the following justification:

Support of Indians in Nevada.

Fiscal year ending June 30, 1920, amount appropriated.....	\$18,500.00
Fiscal year ended June 30, 1919:	
Amount appropriated.....	18,500.00
Amount expended.....	18,179.94
Unexpended balance.....	320.06
Analysis of expenditures:	
Salaries, wages, etc.....	7,417.25
Traveling expenses.....	343.55
Transportation of supplies.....	1,439.06
Telegraph and telephone service.....	119.74
Subsistence supplies.....	1,234.92
Dry goods, clothing, etc.....	71.30
Forage.....	417.25
Fuel, lubricants, power and light service.....	1,165.37
Medical supplies, etc.....	805.82
Equipment and miscellaneous material.....	2,924.16
Seed.....	569.50
Miscellaneous.....	548.80
Outstanding liabilities.....	1,123.22
Total.....	18,179.94

This is the general appropriation for the support and civilization of the Indians of the State of Nevada, numbering approximately 5,840. The affairs of 2,840 of these Indians, who live on reservations or land purchased for them by the Government, are looked after by six superintendents. Approximately 3,000 scattered Indians of the State are under the jurisdiction of a special agent with headquarters at Reno, Nev. Steps are now being taken to establish the Indians of the latter class on farm and home sites which have been, and will be, purchased for them from funds appropriated by Congress for the purpose.

Subsistence supplies to the extent of \$1,235 were purchased for these Indians during the fiscal year 1919, as many of these Indians are very poor and it was necessary to aid them in this way.

The amount requested is the same as appropriated for the fiscal year 1920, and is necessary for the payment of salaries of employees of the several agencies, the purchase and transportation of subsistence, forage, fuel, and illuminants, medical supplies, farming and miscellaneous equipment, traveling expenses, and incidental expenses arising in the conduct of the six agencies and the special agent's headquarters at Reno.

The Nevada Indians have no tribal moneys of any consequence, hence this appropriation is largely relied upon for the administration of their affairs, and as there was an unexpended balance of only \$320, the full amount asked for will be required for the proper conduct of the Nevada agencies.

The CHAIRMAN. If there is no objection to that, we will take up the next item, page 51, line 4:

For support and education of four hundred Indian pupils at the Indian school at Carson City, Nevada, including pay of superintendent, \$82,000; for general repairs and improvements, \$12,000; for dining room and kitchen, \$20,000; in all, \$114,000.

Mr. MERITT. We offer for the record the following justification:

Indian School, Carson City, Nev.

Fiscal year ending June 30, 1920, amount appropriated-----	\$75,750.00
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Fiscal year ended June 30, 1919:	
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Amount appropriated-----	60,000.00
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Amount expended-----	59,906.89
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Unexpended balance-----	93.11
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Analysis of expenditures:

Salaries, wages, etc-----	20,719.42
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Traveling expenses-----	365.68
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Transportation of supplies-----	55.27
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Telegraph and telephone service-----	60.90
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Stationery, printing, schoolroom supplies-----	482.65
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Subsistence supplies-----	13,260.15
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Dry goods, clothing, etc-----	8,510.54
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Forage-----	3,115.36
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Fuel, lubricants, power and light service-----	3,792.15
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Medical supplies, etc-----	598.54
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Equipment and miscellaneous material-----	7,365.17
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Miscellaneous-----	793.30
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Outstanding liabilities-----	787.76
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Total-----	59,906.89
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REPAIRS AND IMPROVEMENTS.

Fiscal year ending June 30, 1920; amount appropriated-----	10,000.00
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Fiscal year ended June 30, 1919:	
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Amount appropriated-----	10,000.00
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Amount expended-----	9,933.96
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Unexpended balance-----	66.04
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Analysis of expenditures:

Repair of buildings.....	\$9,916.02
Miscellaneous.....	2.94
Outstanding liabilities.....	15.00
Total.....	9,933.96

STATISTICAL STATEMENT FOR YEAR ENDING JUNE 30, 1919.

Value of school plant (real property).....	¹ \$227,516
Number of buildings.....	53
Number of employees.....	32
Total salaries.....	\$22,930
Average attendance of pupils.....	287
Average enrollment.....	326
Capacity.....	336
Cost per capita based on average attendance.....	\$190
Cost per capita based on enrollment.....	\$167
Area of school land (acres).....	687
Area of school land (acres cultivated).....	90
Value of agricultural products.....	\$6,106
Value of other school products.....	\$3,336
Indian money, proceeds of labor (school earnings) expended.....	\$2,937

SUPERINTENDENT'S ESTIMATE OF ABSOLUTE NEEDS FOR 1921.

Support.....	\$82,000
Repairs and improvements.....	12,000
New buildings, dining room, kitchen.....	20,000
Office building.....	6,000
Total.....	120,000

REQUESTED IN PROPOSED BILL FOR 1921.

Support and education of 400 Indian pupils at the Indian school and superintendent's salary.....	\$82,000
Repairs and improvements.....	12,000
New buildings, dining room and kitchen.....	20,000
Total.....	114,000

POSITIONS AND SALARIES, 1919.

Superintendent.....	\$2,000	Teacher of housekeeping.....	\$720
Clerk.....	1,200	Nurse.....	620
Assistant clerk.....	² 900	Seamstress.....	540
Do.....	600	Laundress.....	500
Disciplinarian.....	900	Baker.....	500
Band leader.....	720	Cook.....	600
Principal.....	1,200	Farmer.....	1,000
Kindergartner.....	750	Engineer.....	1,000
Teacher.....	780	Carpenter.....	800
Do.....	720	Shoe and harness maker.....	660
Do.....	600	Laborer.....	600
Do.....	600	Do.....	600
Kindergartner.....	720	Assistant.....	300
Matron.....	720	Do.....	300
Assistant matron.....	500	Do.....	300
Do.....	500		
Do.....	480	Total.....	22,930

¹ Error in figures given in report of 1918.² \$600 payable from "Relieving distress and prevention, etc., of diseases among Indians, 1920 (Carson Sanatorium)."

The sum of \$82,000 for support of the Carson Indian School, Nevada, will provide for 400 Indian children at \$200 per capita, in addition to the superintendent's salary.

The sum of \$12,000 is requested for repairs and improvements. This is needed for repairs to the school plant, comprising 53 buildings. Many of these buildings are old and need constant repairing and repainting. Heating and sewer systems require considerable expenditure each year in order to keep them in efficient condition.

A dining room and kitchen are badly needed, the present quarters for these departments being wholly inadequate for the present capacity and completely out of repair. Twenty thousand dollars is requested for this building.

The CHAIRMAN. There is a much better showing at this school, the average attendance being 287 and capacity 336. I note that you ask for an increased appropriation here of \$20,000 for dining room and kitchen. Is that right?

Mr. MERITT. Yes, sir; \$20,000 for dining room and kitchen, and \$12,000 for repairs and improvements.

The CHAIRMAN. I do not think that is excessive, but I do not want to include the item of \$20,000 unless it is an absolute necessity.

Mr. MERITT. While that appropriation is very much needed, Mr. Chairman, we recognize the desire of the committee to eliminate new construction and we will get along with that item omitted.

The CHAIRMAN. Then we will strike out on line 11, page 51, \$20,000 for dining room and kitchen.

Mr. MERITT. The reason we are asking for an increase in attendance to 400 from 350 is because we have increased the dormitory space in recent years by new buildings and we are now prepared to give an education to 400 pupils.

The CHAIRMAN. The clerk will read the next item, page 51, line 12.

For maintenance and operation of the irrigation system on the Pyramid Lake Reservation, Nev., \$3,500, reimbursable from any funds of the Indians of this reservation now or hereafter available.

Mr. MERITT. We offer for the record the following justification.

Maintenance and operation, irrigation system, Pyramid Lake Reservation, Nev. (reimbursable).

Fiscal year ending June 30, 1920:

Amount appropriated.....	\$5,400.00
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Fiscal year ended June 30, 1919:

Amount appropriated.....	5,000.00
Amount expended.....	5,000.00

Analysis of expenditures:

Salaries, wages, etc.....	4,601.43
Traveling expenses.....	38.60
Telegraph and telephone service.....	1.00
Fuel, lubricants, power and light service.....	2.00
Equipment and miscellaneous material.....	131.87
Outstanding liabilities.....	225.10

Total.....	5,000.00
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Indian tribe, Paiute.

Number of Indians, 561.

Area of reservation, 322,000 acres.

Irrigation project started, 1898.

Work done by force account, using principally Indian labor.

Area of irrigable land under project, 3,300 acres.
 Area of irrigable land under constructed works, 2,500 acres.
 Area actually irrigated, 352 acres.
 Area of irrigable land cultivated by Indians, 340 acres.
 Area of irrigable land cultivated by lessees, 12 acres.
 Area of irrigable land cultivated by white owners, none.
 Cost of construction to June 30, 1919, \$126,358.31.
 Cost of operation, maintenance and miscellaneous to June 30, 1919, \$11,922.32.

Operation and Maintenance charges are not collected from water users.
 Estimated additional cost to complete, none for the present.

Cost per acre \$38.29.

Average value of irrigated land per acre, \$75.

Average annual precipitation, 6 inches.

Source of water supply, Truckee River.

Crops produced, alfalfa, wheat, oats, potatoes.

Market for products: Local, good.

Distance from railroad: Railroad through project.

This project has recently been completed and the sum herewith requested is estimated as necessary to properly operate and maintain it during the fiscal year 1921, by which time it is expected that a very considerable part of the irrigable area will be under cultivation.

The CHAIRMAN. If there is no objection to that item, we will proceed.

Mr. HAYDEN. Right at this point, Mr. Chairman, under New Mexico there should be inserted a new section, in view of what we have determined to-day.

I move to insert a new paragraph, as follows:

For support and civilization of Indians in New Mexico, including pay of employees, \$-----

Mr. Hernandez and I have not had time to divide the amount.

Mr. HERNANDEZ. That is where it ought to go.

Mr. DALLINGER. Why was that left out?

The CHAIRMAN. Heretofore the item has been carried under Arizona and New Mexico in a lump item and we have decided to divide them—one item under Arizona, under its own heading, and another item under New Mexico, under its own heading. The total will not be changed.

The clerk will read the next item, page 51, line 16.

NEW MEXICO.

SEC. 14. For support and education of four hundred and eighty Indian pupils at the Indian school of Albuquerque, N. Mex., and for pay of superintendent, \$98,250; for general repairs and improvements, \$10,000; for enlarging and improving sewer system, \$11,000; for additional school land and water rights, the title to which is to be held in the United States, \$14,000; in all, \$133,250.

Mr. MERITT. We offer for the record the following justification:

Indian School, Albuquerque, N. Mex.

Fiscal year ending June 30, 1920:

Amount appropriated	\$92,250.00
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Fiscal year ended June 30, 1919:

Amount appropriated	85,500.00
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Amount expended	85,420.75
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Unexpended balance	79.25
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Analysis of expenditures:

Salaries, wages, etc	
Transportation of supplies	\$28,840.87
Telegraph and telephone service	41.55
Stationery printing, schoolroom supplies	80.32
Subsistence supplies	699.55
Dry goods, clothing, etc	24,802.43
Forage	11,521.36
Fuel, lubricant, power, and light service	4,405.73
Medical supplies, etc	6,853.06
Equipment and miscellaneous material	364.67
Miscellaneous	6,027.96
Outstanding liabilities	271.50
	1,511.75
Total	85,420.75

Fiscal year ending June 30, 1920:

Amount appropriated	10,000.00
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Fiscal year ended June 30, 1919:

Amount appropriated	8,000.00
Amount expended	8,000.00

Analysis of expenditures:

Repair of buildings	8,000.00
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STATISTICAL STATEMENT FOR YEAR ENDING JUNE 30, 1919.

Value of school plant (real property)	\$308,845
Number of buildings	43
Number of employees	42
Total salaries	\$30,440
Average attendance of pupils	320
Average enrollment	407
Capacity	400
Cost per capita based on enrollment	\$196
Cost per capita based on average attendance	\$249
Area of school land (acres)	132
Area of school land (acres cultivated)	87
Value of agricultural products	\$20,931
Value of other school products	\$3,152
Indian money, proceeds of labor (school earnings) expended	\$1,461

SUPERINTENDENT'S ESTIMATE OF ABSOLUTE NEEDS FOR 1921.

Support	\$110,500
Repairs and improvements	10,000
New buildings	77,500
Construction of sewer	11,000
Purchase of land	14,000
Total	223,000

REQUESTED IN PROPOSED BILL FOR 1921.

Support and education of 480 Indian pupils at the Indian school, and superintendent's salary	\$98,250
Repairs and improvements	10,000
Enlarging and improving sewer system	11,000
Additional school land and water rights	14,000
Total	133,250

POSITIONS AND SALARIES, 1919.

Superintendent	\$2,250
Clerk	1,200

Assistant clerk	\$900
Do	720
Physician	¹ 1,600
Disciplinarian and physical director	1,000
Principal	1,300
Teacher	750
Do	720
Do	600
Do	600
Do	600
Do	600
Do	630
Kindergartner	810
Domestic-science teacher	660
Matron	720
Assistant matron	600
Do	600
Do	540
Nurse	720
Seamstress	600
Assistant seamstress	480
Laundress	600
Tailor	720
Baker	540
Cook	660
Assistant cook	480
Farmer	840
Carpenter	1,000
Teacher of agriculture and dairyman	1,000
Engineer	900
Blacksmith and wheelwright	840
Gardener	840
Shoe and harness maker	600
Assistant disciplinarian	300
Assistant	180
Do	180
Do	180
Do	180
Laborer	720
Do	480

\$30,440

The amount requested for support and education of 480 pupils, including pay of superintendent, is \$98,250. This is computed on the basis of \$200 per capita.

The item of \$10,000 for repairs and improvements is the same as the appropriation for that purpose last year. There is constant need for repairs and renovation at Indian school plants. New floors and screens are required, repairs to heating plants, electric and pumping plant, and water system.

The present sewer was constructed in 1900. Since that time the school plant has grown and been extended. Most of the pipe lines leading from the buildings are barely underground—in fact, some are now above ground—and the manholes are very shallow. It is planned to connect the sewer system to the city mains, which are far enough below the natural grade to permit an adequate fall for the school system.

It is planned to purchase two tracts of land, comprising about 15 and 17 acres, respectively, one of which adjoins the Albuquerque School land; the other separates two portions of the school farm. The 15-acre tract is splendid land. The 17-acre tract is good land, but most of it has not been under cultivation for a few years and is not as productive as the other tract. Apart from the need for this land as an addition to the school farm, the persons now residing thereon are unsuitable neighbors for an Indian school and fail to keep up the grounds and fences, and cover the road with irrigation water at times. Their presence is a disadvantage to the school.

¹ One-half payable from "Indian schools, support," and one-half payable from "Indian school, Albuquerque, N. Mex."

The CHAIRMAN. I am forced to take the same position on this item that I did on the one preceding it, that unless it is an absolute necessity that the additional sewer system and additional school lands should be bought to the extent of \$25,000, I want to strike these two items out.

Mr. DALLINGER. Is not a sewer system rather important?

The CHAIRMAN. "For enlarging and improving sewer system"—there is a sewer system there now.

Mr. HERNANDEZ. I visited this school while I was out there and the superintendent brought to my attention this additional school land that can be secured at this time. These Indians are raising considerable garden truck for the support of the school. This is a very large school and there is a full attendance there now of 480; in fact, I think it will reach over 500 attendance before the year is out.

Mr. HAYDEN. Would the growing of truck crops in any way reduce the amount of money necessary to be appropriated to maintain the school?

Mr. HERNANDEZ. In time it may, but this year it would not in any way affect it.

The CHAIRMAN. Our appropriation last year was \$102,000; the previous year \$85,500. Now it is \$133,250, and it seems to me we are going along pretty rapidly with that particular school. The average attendance shown in the statistics we have before us is 320, and the capacity 400.

Mr. MERITT. Mr. Chairman. I visited this school last year and I was very favorably impressed with the work being done there. Mr. Perry, the superintendent of that school, is one of our most efficient men. The Albuquerque school is located in the heart of the Indian country of the Southwest. We have now in New Mexico out of school over 3,000 Indian children, without school facilities for them. In our estimates for this year we are asking for an increase of 30 additional pupils for this school in addition to a sewer system, which is an absolute necessity; and the land would very materially increase the efficiency of the school. One reason why it is desirable to purchase the land now is because it is located just across the road from the school, and if the land should get into the possession of someone else, it is possible that the school could not acquire it.

The CHAIRMAN. How shall we justify it when the question is asked this situation? You are asking for an appropriation for 480 pupils, and the capacity of the school is only 400.

Mr. MERITT. But they can increase the capacity by building sleeping porches, and that will be done out of the repair fund.

The CHAIRMAN. Of course, I am only too glad to appropriate for a school that you can fill up. That is the height of my ambition as chairman of this committee to see some place where we are getting full work done for the money. In that case you are getting something for the balance of the appropriation here.

Mr. MERITT. Also the purchase of this land will enable the superintendent of that school to teach farming and actual industry to the pupils in addition to getting a valuable return to the school in the form of crops and foodstuffs.

The CHAIRMAN. Can not we cut the item of \$11,000 for the sewerage system to about \$7,000, and the item of \$14,000 to about \$11,000?

That will give us a saving of \$10,000. What I fear is this jumping in one year from \$85,000 to \$133,000.

Mr. HAYDEN. The jump in the appropriations for this school has been justified each time by an increased attendance of pupils.

The CHAIRMAN. Do you not think if you enlarged the sewerage system to the extent of \$7,000 instead of \$11,000, would not that be about all the money you could expend this coming year on it?

Mr. MERITT. We could get along with that amount, Mr. Chairman, provided you will allow us the full \$14,000.

The CHAIRMAN. All right. If there is no objection, I will concede that as far as I am concerned, in view of the statement of both the assistant commissioner and Mr. Hernandez, who have recently been on the ground.

Mr. HERNANDEZ. Mr. Perry told me they had an option on the land.

The CHAIRMAN. We will change \$11,000 in line 22 to \$7,000, making a total of \$129,250.

The clerk will read the next item, page 52, line 1:

For support and education of 400 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, \$82,400; for general repairs and improvements, \$8,000; for water supply, \$2,200; for improvement and enlargement of steam-heating system, \$15,000; in all, \$107,600.

Mr. MERITT. We offer for the record the following justification:

Indian school, Santa Fe, N. Mex.

Fiscal year ending June 30, 1920:

Amount appropriated	\$82,400.00
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Fiscal year ended June 30, 1919:

Amount appropriated	76,250.00
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Amount expended	76,190.54
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Unexpended balance	59.46
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Analysis of expenditures:

Salaries, wages, etc	24,338.63
Traveling expenses	1.25
Transportation of supplies	865.50
Telegraph and telephone service	146.33
Stationery, printing, schoolroom supplies	12,555.78
Dry goods, clothing, etc	10,894.21
Forage	3,811.34
Fuel, lubricants, power, and light service	6,636.33
Medical supplies, etc	167.38
Live stock	420.00
Equipment and miscellaneous material	4,716.31
Miscellaneous	321.00
Outstanding liabilities	10,838.34

Total	76,190.54
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REPAIRS AND IMPROVEMENTS.

Fiscal year ending June 30, 1920:

Amount appropriated	8,000.00
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Fiscal year ended June 30, 1919:

Amount appropriated	\$8,000.00
Amount expended	7,700.06
Unexpended balance	299.94
Analysis of expenditures:	
Repair of buildings	7,336.72
Outstanding liabilities	363.34
Total	7,700.06

WATER SUPPLY.

Fiscal year ending June 30, 1920:

Amount appropriated	2,200.00
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Fiscal year ended June 30, 1919:

Amount appropriated	1,600.00
Amount expended	1,600.00
Analysis of expenditures:	
Water	1,600.00

STATISTICAL STATEMENT FOR YEAR ENDED JUNE 30, 1919.

Value of school plant (real property)	\$197,013
Number of buildings	33
Number of employees	41
Total salaries	\$27,620
Average attendance of pupils	284
Average enrollment	413
Capacity	350
Cost per capita based on enrollment	\$147
Cost per capita based on average attendance	\$214
Area of school land (acres)	106
Area of school land (acres cultivated)	50
Value of agricultural products	\$8,249
Value of other school products	\$11,531
Indian money, proceeds of labor (school earnings) expended	\$985

SUPERINTENDENT'S ESTIMATE OF ABSOLUTE NEEDS FOR 1921.

Support	\$92,250
Repairs and improvements	8,000
New buildings, heating system	15,000
Water supply	2,250
	500
Total	118,000

REQUESTED IN PROPOSED BILL FOR 1921.

Support and education of 400 Indian pupils at the Indian School and superintendent's salary	82,400
Repairs and improvements	8,000
New buildings, water supply	2,200
Improving and enlarging steam-heating system	15,000
Total	107,600

POSITIONS AND SALARIES, 1919.

Superintendent	\$2, 000	Baker	\$600
Clerk	1, 200	Cook	600
Financial clerk	1, 000	Engineer	1, 000
Physician (contract)	720	Assistant engineer	300
Assistant clerk	660	Painter	780
Disciplinarian	720	Carpenter	780
Assistant disciplinarian	500	Blacksmith	720
Principal	1, 200	Shoe and harness maker	660
Kindergartner	750	Gardener	600
Teacher	750	Tailor	500
Do	660	Assistant	300
Do	660	Do	240
Do	600	Do	180
Do	600	Do	180
Industrial teacher	900	Laborer	600
Domestic science teacher	720	Do	480
Matron	720	Do	480
Assistant matron	600	Do	480
Do	600	Do	480
Nurse	840		
Seamstress	660	Total	25, 820
Laundress	600		

The sum of \$82,400 is requested for support and education of 400 Indian pupils and for salary of superintendent.

Eight thousand dollars is requested for repairs and improvements. This is the amount usually appropriated for the purpose and it will be needed. There are a large number of small pupils in this school and it is necessary to employ outside help in connection with repair work.

The sum of \$2,000 is requested for water supply for irrigation and domestic purposes. If the school is to keep up its orchards and garden, which depend on irrigation, and have sufficient water for domestic purposes, it will require the entire amount asked for.

The steam-heating system needs improvement and enlargement. A new boiler is absolutely necessary. Concrete tunnels for carrying the steam pipes to all the buildings on the heating system are requisite to efficiency. A new smokestack is required. It is believed \$15,000 will be ample for the improvements to the central heating system which are planned.

The CHAIRMAN. What is the climatic condition in that section of the country? What kind of weather do you have in winter?

Mr. HERNANDEZ. It is exceedingly cold now. It is 7,500 feet above sea level and in the northern part of the State very cold, a clear cold.

The CHAIRMAN. What sort of steam heating have you there, a central heating plant?

Mr. HERNANDEZ. Yes.

The CHAIRMAN. Do you carry steam to one part of the buildings, and use stoves in some of the buildings?

Mr. HERNANDEZ. Yes.

The CHAIRMAN. Do you know whether or not this contemplates a central system which will supply all of the rooms that are inhabited by pupils or employees with team?

Mr. HERNANDEZ. It is supposed to heat the whole system. They have a particularly nice school there.

The CHAIRMAN. Does this contemplate doing away with the entire steam system and putting in a new system?

Mr. HERNANDEZ. No; it is to enlarge and improve it.

Mr. MERITT. That is the purpose. We do not intend to put in an entire new system, but to enlarge and improve the present heating system.

The CHAIRMAN. In this case, don't you think you can get along with less than \$15,000 if you are simply going to improve and enlarge it?

Mr. MERITT. We can spend \$10,000 this year and come back next year and ask for an additional \$5,000.

The CHAIRMAN. On line 5, then, change \$15,000 to \$10,000.

The clerk will read the next item, page 52, line 7.

For the pay of one special attorney for the Pueblo Indians of New Mexico, to be designated by the Secretary of the Interior, and for necessary traveling expenses of said attorney, \$5,000, or so much thereof as the Secretary of the Interior may deem necessary.

Mr. MERITT. We offer for the record the following justification:

Counsel for Pueblo Indians of New Mexico.

Fiscal year ending June 30, 1920:

Amount appropriated-----	\$5,000.00
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Fiscal year ended June 30, 1919:

Amount appropriated-----	2,000.00
Amount expended-----	1,315.00

Unexpended balance ---	685.00
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Analysis of expenditures:

Salaries, wages, etc.-----	662.50
Traveling expenses-----	157.59
Miscellaneous-----	12.00
Outstanding liabilities-----	482.91

Total-----	1,315.00
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COUNSEL FOR PUEBLO INDIANS, NEW MEXICO.

The lands embraced within the 19 pueblos in the State of New Mexico, approximating 1,000,000 acres, are held by the Indians under old Spanish grants. These Indians have for years been compelled to defend their titles to their lands from trespassers and encroachment of the whites which has made necessary the institution of numerous suits in their behalf to clear title, remove trespassers, etc. The Indians being in poor circumstances, it has been found necessary to employ an attorney to handle the large number of cases continually arising in the several pueblos, without whose assistance they would be at the mercy of land grabbers. The attorney employed for these Indians also gives legal advice to the superintendent in charge of the pueblos.

The amount requested is necessary for the pay of this special attorney, whose entire time is devoted to the Pueblo Indians, and for traveling expenses and court costs.

The CHAIRMAN. All right; that is the same as last year. The clerk will read the next item, page 52, line 12.

For completing the work on the Indian highway extending from the Mesa Verde National Park to Gallup, N. Mex., on the Navajo and San Juan Reservation, \$11,000; said sum to be reimbursed from any funds which are now or may hereafter be placed in the Treasury to the credit of said Indians: *Provided*, That such sums shall be expended under the direction of the Secretary of the Interior in such manner and at such times and places as he may deem proper, and in the employment of Indian labor as far as possible for the construction of said highway.

MR. MERITT. We offer for the record the following justification:

Highway from Mesa Verde National Park to Gallup, N. Mex. (reimbursable).

Fiscal year ending June 30, 1920:

Amount appropriated	\$25,000.00
	=====

Fiscal year ended June 30, 1919:

Amount appropriated	25,000.00
Amount expended	15,783.72
Unexpended balance	9,216.28
	=====

Analysis of expenditures:

Salaries, wages, etc.	7,276.04
Traveling expenses	563.28
Transportation of supplies	106.42
Telegraph and telephone service	4.03
Fuel, lubricants, power and light service	412.57
Equipment and miscellaneous material	6,035.62
Outstanding liabilities	1,385.76

Total	15,783.72
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This road extends across the Navajo and San Juan Reservations. That portion thereof on the Navajo Reservation has been practically completed, and the work is now being prosecuted on the San Juan Reservation. This project was initiated under an appropriation of \$15,000 in the Indian act for the fiscal year 1917, at which time it was estimated that the total cost of the road would be approximately \$55,000. A further appropriation of \$15,000 was made in the Indian act for the fiscal year 1918, and \$25,000 each for the fiscal years 1919 and 1920, making the total amount thus far appropriated \$80,000.

It was hoped that the appropriation of \$25,000 embodied in the Indian act for the current fiscal year would be sufficient to complete the road; however, owing to the increased cost of labor and material, it is estimated that \$11,000 additional will be required for this purpose; therefore, as Congress has given its approval to this project by making appropriations for the prosecution of the work thus far, it is recommended that the additional appropriation of \$11,000 asked for herein be made, in order that the road can be completed in conformity with the manifest intent of Congress. It is provided that all appropriations for this road shall be reimbursed from tribal funds.

THE CHAIRMAN. All right. The clerk will read the next item, page 53, line 4.

For continuing the sinking of wells on Pueblo Indian land to provide water for domestic and stock purposes, and for building tanks, troughs, pipe lines, and other necessary structures for the utilization of such water, \$15,000.

MR. MERITT. We offer for the record the following justification:

Irrigation near Jemez and Zia Pueblos, N. Mex.

Fiscal year ending June 30, 1920, amount appropriated	\$15,000
Fiscal year ended June 30, 1919: No appropriation for 1919.	

Surveys, irrigation system, San Juan Pueblo, N. Mex.

Fiscal year ending June 30, 1920, amount appropriated	\$1,000
Fiscal year ended June 30, 1919: No appropriation for 1919.	

Water supply, Pueblo Indians, New Mexico.

Fiscal year ending June 30, 1920, amount appropriated	\$15,000
Fiscal year ended June 30, 1919: No appropriation for 1919.	

SINKING WELLS, PUEBLO INDIAN LAND.

Water is very scarce in the Pueblo country and, in addition to conserving such water as may be available from streams and springs, water is obtained from wells for domestic and stock use. The Pueblo Indians have practiced irrigation from time immemorial, are very industrious, and take advantage to the fullest extent of the aid afforded them by the Government.

The CHAIRMAN. How many wells are authorized now that have not been installed?

Mr. MERITT. Last year was the first appropriation for this work, and we are now in process of installing these wells.

The CHAIRMAN. How does it come this language is in here in italics?

Mr. MERITT. Because there was a general appropriation for irrigation work that we are not asking for this year. We have reduced the appropriation from \$31,000 to \$15,000.

The CHAIRMAN. Of course, on account of this being a new appropriation last year, you can not tell much about what has been done with the \$15,000 yet. You had \$15,000 last year. I would make it the same as last year, \$15,000. We will proceed; page 53, line 8:

For road and bridge construction on the Mescalero Indian Reservation, in New Mexico, including the purchase of material, equipment, and supplies; the employment of labor; and the cost of surveys, plans, and estimates, if necessary, \$25,000, and to be reimbursed from any funds of the Indians of said reservation now or hereafter on deposit in the Treasury of the United States: *Provided*, That Indian labor shall be employed as far as practicable.

Mr. MERITT. We offer for the record the following justification. It is the same amount and language as last year.

Roads and bridges, Mescalero Reservation, N. Mex. (Reimbursable.)

Fiscal year ending June 30, 1920, amount appropriated. ----- \$25,000
Fiscal year ended June 30, 1919: No appropriation for 1919.

The object of this appropriation is to provide funds for continuing the construction of roads and bridges on the Mescalero Reservation in conformity with a report submitted several years ago by an inspecting official of this service, after an exhaustive investigation. This report provided for a comprehensive system of roads on the reservation, at a total estimated cost of \$45,127.50. One road was to extend from Mescalero to Ruidoso, a distance of 18.89 miles; another from Mescalero to Silver Creek, 19 miles; another from Mescalero to Elk Springs, 18 miles; and still another from Mescalero to the west line of the reservation, 3.50 miles.

The first appropriation for this purpose was embodied in the Indian act for the fiscal year 1920, in the sum of \$25,000. Owing to the greatly increased cost of labor and material since the original estimate was made, it is believed that at least \$50,000 will be required to complete the roads in conformity with the original plan; therefore, an additional appropriation of \$25,000 will be necessary for this purpose.

The CHAIRMAN. As I remember this Mescalero proposition, that \$25,000 was supposed to complete the road.

Mr. MERITT. No, sir.

The CHAIRMAN. How long has this appropriation been carried?

Mr. MERITT. Last year was the first.

The CHAIRMAN. So you can not tell us anything about what has been done with that \$25,000?

Mr. MERITT. It is in process of being expended.

The CHAIRMAN. Do you know about that, Mr. Hernandez? How many miles of road are being built?

Mr. HERNANDEZ. No; that is in Senator Fall's county.

Have those Indians any money in the Treasury at all?

Mr. MERITT. They have very valuable timber interests worth several million dollars. They have only \$15,000 in the Treasury.

Mr. HERNANDEZ. Are they selling the timberlands?

Mr. MERITT. We are having a survey made of the timber situation on that reservation now with a view of advertising the timber at an early date.

Mr. HAYDEN. My recollection is that there were two reasons offered for undertaking this road work on the reservation. One was that the construction of a road would open up the timber so it would be possible to move it out by trucks and thereby permit its sale. The other consideration was that the State of New Mexico in connection with its highway work had built a well-graded road up to the reservation line and that there would be, therefore, an outlet from the reservation onto a good road if this road work was undertaken.

The CHAIRMAN. I knew I was right in the thought about that proposition, that we were asked to appropriate that with the understanding that \$25,000 would complete the road.

Mr. HAYDEN. No; my recollection is that the roads Mr. Meritt refers to on the reservation would cost \$45,000.

The CHAIRMAN. That might be all the work on the reservation, but this particular road he wanted \$25,000 for it.

Mr. HAYDEN. Where did you spend the money on the road last year? On what particular road?

Mr. MERITT. We are in process of spending the money now.

Mr. HAYDEN. They mentioned in the report several roads. Do you know which one of these roads the work is being done on now; is it the road connecting directly with the outside world?

Mr. MERITT. I think so.

The CHAIRMAN. I am not disposed to appropriate any more money on that until I see something has been done with the money hereinbefore appropriated.

Mr. MERITT. We are now in process of building roads, and inasmuch as the appropriation has given out we will be in the position of building half of the roads.

The CHAIRMAN. I do not want to do that. What is the possibility of the reimbursement of this money?

Mr. MERITT. There is no question about the reimbursement, because the Indians have timber worth four and a half million dollars on this reservation, and we will probably sell a quarter of a million dollars worth in the next two years.

Mr. HERNANDEZ. It will all come back and be reimbursed.

The CHAIRMAN. All right. The clerk will read, page 54, line 3.

To enable the Secretary of the Interior to provide for the drainage of Pueblo Indian land in the Rio Grande Valley, N. Mex., in connection with operations for the drainage of lands in white ownership, \$6,500, the total cost of draining the Indian land not to exceed \$130,000; reimbursable in accordance

with rules and regulations which the Secretary of the Interior shall prescribe: *Provided*, That the Secretary of the Interior shall enter into arrangements with the proposed drainage district, or other body which may be organized to carry on the work, only after he shall be satisfied that the plans for the work are adequate for the purpose intended; and that, should it appear to him at any time that construction work is not being carried out in accordance with approved plans, he may withhold payment of any sums due until such work shall have been corrected.

Mr. MERITT. We offer for the record the following justification:

DRAINAGE PUBLIC LAND (REIMBURSABLE).

Indian tribe, Pueblo.

Number of Indians benefited, 1,408.

Area of Indian land to be drained, 8,890 acres. Work to be done by drainage district.

Estimated additional cost to complete, \$123,500.

Estimated cost per acre when completed, \$14.62.

Average value of irrigated land per acre, \$150.

Crops produced, alfalfa, corn, wheat, barley.

Market for products, general; excellent.

! Distance from railroad, railroad through lands.

White interests in the Rio Grande Valley have formed a drainage district and are preparing to drain a large area of land, which necessarily includes some 8,000 acres of Indian land. These Indian lands must eventually be drained in order to make them useful, and the representatives of the drainage district have requested that the Government take up this work at this time in order that the project may be completed at a minimum cost. This will apply as well to the Government as to the white interests, and it is believed to be the most economical plan available. The cost is estimated at \$130,000 for the Indian lands, or an average of \$14.62 per acre. The item has been drawn so as to enable the Secretary of the Interior to pass upon the plans for the work and inspect it from time to time to see that the construction is being carried out along proper engineering lines. The present year's estimate is based upon a 20-year-payment plan. The work will be done by the drainage district, and it is proposed that the Government pay over to the district one-twentieth of the cost annually, which will place the Government upon the same basis as the white interests concerned.

The CHAIRMAN. That is along the line which one of the Senators suggested this morning. We now have an irrigation scheme that is fairly well completed; and we have to go to work and drain lands which should have been drained when the irrigation scheme was put in. Is that right?

Mr. REED. These irrigation schemes were put in before the white man came to this country, as far as the Indian is concerned.

The CHAIRMAN. This is a proposition to spend in 20 years \$130,000 to properly drain this plant.

Mr. REED. A large part of this subirrigation will not be caused by the Indian ditches, but by the white men who have put in ditches and caused this settling. Previously, under the Indian-owned system, there was no settling.

Mr. HERNANDEZ. This has come about recently. The people at Albuquerque are interested in this because the Pueblos are 12 miles from there, and they have fine land there. I heard one of the Indians speak at their meeting there, and they are going to contribute of their labor nicely to this work.

Mr. HAYDEN. If the charge is put at \$14 an acre, would it be possible for the Indians to contribute of labor enough to pay their part.

Mr. HERNANDEZ. This is supposed to assist the Indians from San Domingo to Isleta. It seems to me that is a very small amount.

The CHAIRMAN. It is a small amount, but this is starting a new scheme to spend money, and I am not favorable to starting any scheme this year which will eventually take on any such amount as is involved in this item. Therefore, if no one else wants to move to strike it out, the Chair will do so, and will also move to strike out the next item, page 54, lines 18 to 22.

Mr. HAYDEN. I want to ask Mr. Reed, or Mr. Hernandez, what will be the effect if this drainage work is not done.

Mr. REED. The lands are rapidly becoming waterlogged, and many of them will simply revert to a somewhat swampy condition and be uncultivable.

Mr. HANDEN. That is, the water table rising in the lands brings the alkali to the surface, and if waterlogging continues at the same rate of progress the Indians can not make a living from the land?

Mr. HERNANDEZ. That is the situation.

The CHAIRMAN. The conditions are not materially different from a year ago. This has been going on several years.

Mr. HERNANDEZ. No; this is of recent origin, since they impounded the water at the Elephant Butte dam, about 80 or 90 miles below there.

The CHAIRMAN. This causes backwater on the soil?

Mr. HERNANDEZ. That is really what has caused it. It has only been going on in the last 5 or 10 years. Sixty per cent of their land is water-logged to-day and, really, it is going to spoil it all unless we help in some way.

The CHAIRMAN. How long have the Indians been cultivating this land?

Mr. HERNANDEZ. For time immemorial.

The CHAIRMAN. Have they any structures for taking care of their own drainage?

Mr. HERNANDEZ. This is only a small percentage of the land along there. These pueblos have a comparatively small acreage of all the land.

Mr. HAYDEN. Maybe we could find out this fact, is there now in process of organization a drainage district of which this land is to be part?

Mr. HERNANDEZ. Yes, sir.

Mr. HAYDEN. How far has it progressed? Is the drainage district ready to begin the actual work of drainage or not?

Mr. HERNANDEZ. They are going to commence operations right away to drain out.

Mr. RHODES. Who is doing that?

Mr. HERNANDEZ. People along the Rio Grande.

Mr. HAYDEN. How many acres will be in the entire district?

Mr. HERNANDEZ. There will be over 200,000 acres.

Mr. HAYDEN. How many acres of it is Indian land?

Mr. HERNANDEZ. In all, about 10,000.

Mr. REED. Between 9,000 and 10,000 acres.

Mr. HAYDEN. This will be a part of a large general project in the nature of a drainage district organized under your State drainage laws, providing for the issue of 20-year bonds to pay for the work.

The CHAIRMAN. Is there a 20-year bond issued to pay this out?

Mr. HERNANDEZ. I understand they are going to finance it in some way.

The CHAIRMAN. That is what I want to know. If there is any fixed scheme whereby this money is to be actually paid back at given dates, I have no objection to it.

Mr. HERNANDEZ. It will be paid back.

The CHAIRMAN. But when? I do not want to start a scheme where it will be 100 years before we begin to get some return, because these people are using the soil and getting something out of it.

Mr. MERITT. This seems to be an unusually meritorious case. These Pueblo Indians are very industrious workers and make use of every gallon of water in actual crop production. There are 8,000 acres of Indian land under this large project that is at this time waterlogged. These Indians can not by their own efforts drain this land, but by going into this large project involving over 200,000 acres they can get their land drained at the low cost of \$14.62 per acre. Inasmuch as these Indians will make use of every foot of this land, and they are practically self-supporting, and as this money will be reimbursed to the Government, and they will begin to reimburse the Government under this legislation that you have included in the bill as soon as this land is drained, it seems to me that it is not on the same basis as these large irrigation projects in the Northwest, and in order to help out this matter as much as possible, if you will give us this appropriation of \$6,500, we will ask that the \$9,000 appropriation in the next item be omitted in the bill.

The CHAIRMAN. I am willing to concede that. In view of the further information, I think there is justification for that.

Mr. DALLINGER. Do you want to keep in that \$130,000, which practically binds us?

The CHAIRMAN. That is to be paid on the basis of \$6,500 a year for 20 years, and the return will be coming in in a few years. So while that amount goes out a corresponding amount will be coming in.

Mr. MERITT. We will ask that the justification for the next item go in the bill, but strike out the item of appropriation.

The CHAIRMAN. The item referred to, which I have already moved to strike out, reads:

For piping water from a spring at the foot of a sand dune $1\frac{1}{2}$ miles southwest from Laguna to the sanatorium at Laguna, N. Mex., including the purchase of pipe and other necessary material and the cost of labor, \$9,000.

Mr. MERITT. Although that item is to be stricken out, I would like to submit for the record the following justification:

Laguna Sanatorium is located in the desert part of New Mexico, some 4 miles from the new railroad station and at the edge of the Indian village known as "Old Laguna." It has a capacity of about 35 beds, accommodating patients from any of the many Indian pueblos in the surrounding country, as well as occasional sufferers from more distant localities. It is a busy institution, serving a splendid purpose.

It is highly desirable that an institution of this kind should be supplied with as good water as possible, and in quantity sufficient for all domestic purposes and some garden irrigation, fresh vegetables, otherwise unobtainable, being necessary to the welfare and rapid recovery of the patients.

The present water supply consists of wells owned by the Santa Fe Railway Co., the water being served through a water meter at an average annual cost of \$800. This is an expensive method at best, even if the water obtained proved satisfactory, which it does not. Instead, the water is extremely hard,

strongly alkaline, and very undesirable both for drinking and for lavatory purposes; in fact, the water is so objectionable for drinking that it is found necessary to haul water for that purpose from a shallow well located about a quarter of a mile distant. The supply is naturally limited by expense such that it entirely precludes all possibility of irrigation for garden or lawn.

The locality has been thoroughly investigated by irrigation engineers, who were finally able to locate a spring at the foot of a sand dune, $1\frac{1}{2}$ miles southwest of the sanatorium, containing water which would prove highly satisfactory both in quality and quantity to meet the demands of the sanatorium, could sufficient funds be secured to make the water available.

The \$9,000 requested in this item is deemed sufficient to make the water of this spring available by developing and piping to the sanatorium.

The CHAIRMAN. The clerk will read the next two items, which are treaty items with the New York Indians, page 54, line 23, and page 55, line 1:

NEW YORK.

SEC. 15. For fulfilling treaties with Senecas of New York: For permanent annuity in lieu of interest on stock (act of Feb. 19, 1831), \$6,000.

Mr. MERITT. We offer for the record the following justification:

Fulfilling treaties with Senecas of New York.

Fiscal year ending June 30, 1920: Amount appropriated.....	\$6,000. 00
Fiscal year ended June 30, 1919:	
Unexpended balance from prior years.....	2,165. 12
Amount appropriated.....	6,000. 00
Total	8,165. 12
Amount expended.....	5,870. 57
Unexpended balance	2,294. 55
Analysis of expenditures:	
Per capita payment.....	5,870. 57

This, as the title indicates, is a treaty item and is for the purpose of fulfilling treaty obligations with the Senecas, as provided for by article 8 of the treaty of February 28, 1837 (7 Stats. L. 348), which reads:

"The United States will expose to public sale, to the highest bidders, at such time and in such manner as the President may direct, the tracts of land herein ceded by the Seneca Indians; and, after deducting from the proceeds of such sale the minimum price of the public lands, the cost of building the saw and grist mills and blacksmith shop for the Senecas; the cost of surveying the lands; and the sum of \$6,000, to be advanced in lieu of their present improvements, it is agreed that any balance which may remain of the avails of the land after sale as aforesaid shall constitute a fund for the future exigencies of the tribe, on which the Government of the United States consent and agree to pay to the chiefs of the Nation, for the use and general benefit of the Nation, annually, 5 per cent of said balance as an annuity. * * *

In the fulfillment of this moral and legal obligation on the part of the United States Government the sum of \$6,000 is necessary.

Section 1 of the act of February 19, 1831 (4 Stat. L. 442), entitled "An act to provide hereafter for the payment of \$6,000 annually to the Seneca Indians, and for other purposes," reads as follows:

"That the proceeds of the sum of \$100,000, being the amount placed in the hands of the President of the United States in trust for the Seneca Tribe of Indians, situated in the State of New York, be hereafter passed to the credit of the Indian appropriation fund, and that the Secretary of War be authorized to receive and pay over to the Seneca Tribe of Indians the sum of \$6,000 annually in the way and manner as heretofore prescribed, to be paid out of any money in the Treasury not otherwise appropriated."

For fulfilling treaties with Six Nations of New York: For permanent annuity, in clothing and other useful articles (art. 6, treaty of Nov. 11, 1794), \$4,500.

Mr. MERITT. We offer for the record the following justification:

Fulfilling treaties with Six Nations of New York.

Fiscal year ending June 30, 1920:	
Amount appropriated-----	\$4, 500. 00
Fiscal year ended June 30, 1919:	
Unexpended balance from prior years-----	1, 130. 83
Amount appropriated --	4, 500. 00
Total -----	5, 630. 88
Amount expended -----	4, 498. 19
Unexpended balance -----	1, 132. 69
Analysis of expenditures:	
Dry goods, clothing, etc --	2, 802. 83
Per capita payment-----	1, 695. 36
Total --	4, 498. 19

This is a treaty item and is required for the purpose of fulfilling obligations imposed upon the Federal Government by article 6 of the treaty of November 11, 1794 (17 Stat. 44), which reads:

"In consideration of the peace and friendship hereby established, and of the engagements entered into by the Six Nations; and because the United States desire, with humanity and kindness, to contribute to their comfortable support; and to render the peace and friendship hereby established strong and perpetual the United States now deliver to the Six Nations and the Indians of other nations residing among and united with them a quantity of goods of the value of \$10,000. And for the same considerations and with a view to promote the future welfare of the Six Nations and of their Indian friends aforesaid the United States will add the sum of \$3,000 to the \$1,500 heretofore allowed them by an article ratified by the President on the 23d day of April, 1792, making in the whole \$4,500, which shall be expended yearly forever in purchasing clothing, domestic animals, implements of husbandry, and other utensils suited to their circumstances, and in compensating useful artificers, who shall reside with or near them and be employed for their benefit. The immediate application of the whole annual allowance now stipulated to be made by the superintendent appointed by the President for the affairs of the Six Nations and their Indian friends aforesaid."

The CHAIRMAN. The next item is page 55, line 5.

NORTH CAROLINA.

SEL. 16: For the support and education of 160 Indian pupils at the Indian school at Cherokee, N. C., including pay of superintendent, \$37,800; for general repairs and improvements, \$6,000; for lavatory annex and equipment, for remodeling girls' building, for new horse barn, and for improving water systems, \$10,000; for new hydroelectric heating and power plant, \$15,000; in all, \$68,800.

Mr. MERITT. We offer for the record the following justification:

INDIAN SCHOOL, CHEROKEE, N. C.

Fiscal year ending June 30, 1920:	
Amount appropriated	\$37,800.00
Fiscal year ended June 30, 1919:	
Amount appropriated	33,600.00
Amount expended	33,567.65
Unexpended balance	32.35
Analysis of expenditures:	
Salaries, wages, etc	15,628.51
Traveling expenses	6.32
Transportation of supplies	244.38
Stationery, printing, schoolroom supplies	169.89
Subsistence supplies	4,479.30
Dry goods, clothing, etc	3,597.04
Forage	1,682.29
Fuel, lubricants, power and light service	1,447.73
Medical supplies, etc	612.05
Equipment and miscellaneous material	2,397.13
Miscellaneous	683.93
Outstanding liabilities	2,619.08
Total	33,567.65

REPAIRS AND IMPROVEMENTS.

Fiscal year ending June 30, 1920; amount appropriated		\$6,000.00
Fiscal year ended June 30, 1919:		
Amount appropriated	6,000.00	
Amount expended	5,780.96	
Unexpended balance	219.04	
Analysis of expenditures:		
Construction of buildings	2,346.31	
Repair of buildings	2,277.03	
Outstanding liabilities	1,157.57	
Total	5,780.96	

STATISTICAL STATEMENT FOR YEAR ENDING JUNE 30, 1919.

Value of school plant (real property)	\$139,125
Number of buildings	32
Number of employees	25
Total salaries	\$16,360
Average attendance of pupils	142
Average enrollment	229
Capacity	160
Cost per capita based on enrollment	\$148
Cost per capita based on average attendance	\$239
Area of school land (acres)	160
Area of school land (acres cultivated)	32
Value of agricultural products	\$3,419
Value of other school products	\$4,988
Indian money, proceeds of labor (school earnings) expended	\$337

SUPERINTENDENT'S ESTIMATE OF ABSOLUTE NEEDS FOR 1921.

Support	\$37,800
Repairs and improvements	6,000

New buildings, barn-----	\$5,000
Remodeling girls' building and heat and water systems-----	7,500
New hydroelectric heating and power plant-----	15,000
Total-----	71,300

REQUESTED IN PROPOSED BILL FOR 1921.

Support and education of Indian pupils at the Indian school and superintendent's salary-----	\$37,800
Repairs and improvements-----	6,000
New buildings, lavatory annex and equipment for remodeling girls' building, for new horse barn and for improving water systems-----	10,000
New hydroelectric heating and power plant-----	15,000
Total-----	68,800

POSITIONS AND SALARIES, 1919.

Superintendent -----	\$1,800	Cook -----	\$540
Clerk -----	1,200	Carpenter -----	840
Physician -----	1,200	Shoe and harness maker-----	660
Disciplinarian -----	660	Gardener -----	600
Principal -----	1,000	Engineer -----	600
Teacher -----	750	Assistant -----	360
Do -----	600	Do -----	300
Kindergartner -----	690	Do -----	180
Matron -----	720	Do -----	180
Assistant matron-----	600	Do -----	180
Seamstress -----	540	Laborer -----	360
Nurse -----	720		
Laundress -----	540	Total -----	16,360
Baker -----	540		

The sum of \$37,800 for the support of Cherokee Indian School, Cherokee, N. C., will provide for 160 pupils at \$225 per capita in addition to the superintendent's salary.

Six thousand dollars for repairs and improvements, the same amount as appropriated last year, is required for the upkeep of the school plant comprising 32 buildings and valued at \$139,125.

The water-closets and shower baths in the girls' dormitory at this school are very undesirable from a sanitary viewpoint and should be abandoned and a lavatory annex be added to the building. There is not enough dormitory space in this building, but by adding sleeping porches and remodeling the first floor, additional sleeping quarters can be secured.

The size of the pipe lines of the water system used for both domestic and fire purposes should be increased and a new reservoir built in order to afford a greater pressure on the fire-service supply and distribution lines.

The barn at this school is old and should be replaced by a modern barn. All of these improvements and buildings will cost about \$10,000.

Fifteen thousand dollars is asked for a new hydroelectric heating and power plant. Electricity is now used at this school for lighting and power and the power for running the dynamo is furnished by damming the river. The old plant is worn out and must be replaced, and by installing a plant large enough to heat the main buildings a large sum will be saved in the purchase of coal.

The CHAIRMAN. I am satisfied with that item except the amendment, and I am opposed to both of those items going in the bill at this time.

Mr. HAYDEN. What would that barn cost?

Mr. MERITT. About \$3,000.

Mr. HAYDEN. I do not like the idea of bad sanitary conditions around a dormitory. It seems to me that ought to be corrected. They might get along with the old barn for another year if it is going to cost \$3,000 to build a new one.

The CHAIRMAN. If there is anybody who knows what the sanitary conditions are, except the bare justification for it, if Mr. Meritt knows of his own knowledge or is satisfied that the sanitary conditions of the closets are such that they are not reasonably satisfactory, I would like to hear it.

Mr. MERITT. If you will allow us to cut out the \$10,000, and increase the general repairs and improvements to \$10,000, a \$4,000 increase, we will try to get along with that appropriation.

The CHAIRMAN. I much prefer that, and that cuts out the hydro-electric plant. For general improvements we make it \$10,000 in line 8 striking out the \$6,000, and cross out all the italics. That reduces the item \$25,000.

Mr. MERITT. It will be necessary for us to come back next year, as the hydro-electric plant is needed very much at that school.

The CHAIRMAN. That makes it \$47,800. The next item is page 55, line 19.

NORTH DAKOTA.

SEC. 17. For support and civilization of the Sioux of Devils Lake, N. Dak., including pay of employees, \$5,000.

Mr. MERITT. We offer for the record the following justification.

Support of Sioux of Devil's Lake, N. Dak.

Fiscal year ending June 30, 1920: Amount appropriated..... \$5 000. 00

Fiscal year ended June 30, 1919:

Amount appropriated.....	5 000. 00
Amount expended.....	4, 960. 15

Unexpended balance	39. 85
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Analysis of expenditures:

Salaries, wages, etc.....	3, 902. 67
Traveling expenses.....	8. 10
Transportation of supplies.....	232. 78
Telegraph and telephone service.....	48. 37
Subsistence supplies.....	94. 07
Forage	212. 58
Fuel, lubricants, power and light service.....	179. 84
Medical supplies, etc.....	39. 90
Equipment and miscellaneous material.....	177. 49
Miscellaneous	15. 00
Outstanding liabilities.....	49. 35

Total	4, 960. 15
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This is in the same amount as was asked for and granted in previous years, and is used for the administration of the affairs of 979 Indians of the Fort Totten agency, only 90 of whom have received patents in fee to their allotments.

It will be necessary for the Government to render them assistance, as these Indians have not yet reached the stage where they can handle their property without supervision.

As will be seen from the analysis of expenditures, for the fiscal year 1919, approximately \$3,900 was used for the salaries of regular employees, and the balance for transportation of supplies, traveling expenses, subsistence supplies, forage for agency teams, fuel and illuminants, medical supplies, and miscellaneous expenses in the conduct of the agency.

As the unexpended balance for 1919 was only about \$40, the full amount requested will be needed to conduct the affairs of this jurisdiction.

The CHAIRMAN. Page 55, line 23:

For support and civilization of Indians at Fort Berthold agency, in North Dakota, including pay of employees, \$15,000.

Mr. MERITT. We offer for the record the following justification:

Support of Indians, Fort Berthold agency, N. Dak.

Fiscal year ending June 30, 1920: amount appropriated	\$15,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated.....	15,000.00
Amount expended.....	14,340.18
Unexpended balance.....	659.82
Analysis of expenditures:	
Salaries, wages, etc.....	9,784.90
Traveling expenses.....	165.76
Transportation of supplies.....	57.54
Telegraph and telephone service.....	83.30
Subsistence supplies.....	28.17
Forage.....	1,210.70
Fuel, lubricants, power and light service.....	799.54
Medical supplies, etc.....	349.35
Equipment and miscellaneous material.....	777.61
Outstanding liabilities.....	1,083.31
Total.....	14,340.18

This amount is the same as for the fiscal year 1920.

The appropriation is required for the administration of the affairs of the Fort Berthold Agency, numbering 1,176 Indians, the majority of whom have been allotted, but as their lands for the most part are still held in trust it is necessary to supervise their affairs and render them assistance in their industries until they have arrived at a fair degree of competency.

As will be seen from the analysis of expenses, approximately \$9,800 will be used for the pay of agency employees, including a physician, blacksmith, carpenter, engineer, and line riders, and irregular labor, the purchase of forage for agency animals, fuel and illuminants, medical supplies, equipment, and miscellaneous materials and general agency expenses.

In view of the small unexpended balance and increasing cost of necessities, the full amount requested should be allotted.

The CHAIRMAN. That is a decrease of \$15,000. The next item is page 56, lines 3 to 5:

For support and civilization of Turtle Mountain Band of Chippewas, North Dakota, including pay of employees, \$13,000.

Mr. MERITT. We offer for the record the following justification:

SUPPORT OF TURTLE MOUNTAIN BAND OF CHIPPEWAS, NORTH DAKOTAS.

Fiscal year ending June 30, 1920:	
Amount appropriated.....	\$13,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated.....	13,000.00
Amount expended.....	13,000.00
Analysis of expenditures:	
Salaries, wages, etc.....	4,828.18
Traveling expenses.....	360.03
Transportation of supplies.....	625.46
Telegraph and telephone service.....	76.81
Subsistence supplies.....	2,582.99
Dry goods, clothing, etc.....	13.62
Forage.....	547.49
Fuel, lubricants, power, and light service.....	2,064.35
Medical supplies, etc.....	113.30
Live stock.....	400.00
Equipment and miscellaneous material.....	1,387.77
Total.....	13,000.00

The amount requested is the same as was allowed for the fiscal year 1920, and will be used for the support and civilization of 3,309 Indians of the Turtle Mountain jurisdiction, a large number of whom live on public domain allotments in North Dakota and Montana. The scattered location of these Indians makes the work of supervision greater than would be the case were they all living on a reservation.

The salaries of agency employees paid out of this appropriation total approximately \$5,000, and is small compared with the number of Indians and the amount of work handled at this agency. During 1919 \$2,583 was used in the purchase of subsistence supplies. This is due to the fact that there are approximately 200 Indians who are not entirely self-supporting by reason of age and infirmities and must be assisted during the year. The appropriation in question is relied upon principally to provide for their care and supervision, as the Indians have no tribal funds.

The balance of the funds is used for the purchase of fuel and illuminants, equipment and miscellaneous material, transportation of supplies, and incidental expenses of the agency.

No unexpended balance remained in 1919, and the full amount requested should be allowed for the proper administration of their affairs.

The CHAIRMAN. Page 56, line 6:

For support and education of 125 Indian pupils at the Indian school, Bismarck, N. Dak., including pay of superintendent, \$29,725; for general repairs and improvements, \$6,000; in all, \$35,725.

Mr. MERITT. We offer for the record the following justification:

Indian school, Bismarck, N. Dak.

Fiscal year ending June 30, 1920:

Amount appropriated-----	\$29,725.00
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Fiscal year ended June 30, 1919:

Amount appropriated-----	26,600.00
Amount expended-----	23,641.63

Unexpended balance-----	2,958.37
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Analysis of expenditures:

Salaries, wages, etc-----	6,770.90
Traveling expenses-----	38.79
Transportation of supplies-----	1.28
Telegraph and telephone service-----	84.20
Stationery, printing, schoolroom supplies-----	162.36
Subsistence supplies-----	3,459.19
Dry goods, clothing, etc-----	3,172.24
Forage-----	1,666.31
Fuel, lubricants, power and light service-----	2,676.16
Medical supplies, etc-----	104.28
Live stock-----	45.00
Equipment and miscellaneous material-----	2,849.56
Miscellaneous-----	95.82
Outstanding liabilities-----	2,515.54

Total-----	23,641.63
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REPAIRS AND IMPROVEMENTS.

Fiscal year ending June 30, 1920; amount appropriated-----	\$6,000.00
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Fiscal year ended June 30, 1919:

Amount appropriated-----	6,000.00
Amount expended-----	6,000.00

Analysis of expenditures:

Repair of buildings-----	5,071.15
Outstanding liabilities-----	928.85

Total-----	6,000.00
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STATISTICAL STATEMENT FOR YEAR ENDING JUNE 30, 1919.

Value of school plant (real property).....	\$50,578
Number of buildings.....	12
Number of employees.....	13
Total salaries.....	\$9,000
Average attendance of pupils.....	43
Average enrollment.....	94
Capacity.....	80
Cost per capita based on enrollment.....	\$197
Cost per capita based on average attendance.....	\$431
Area of school land (acres).....	160
Area of school land (acres cultivated).....	20
Value of agricultural products.....	\$252
Value of other school products.....	\$650

SUPERINTENDENT'S ESTIMATE OF ABSOLUTE NEEDS FOR 1921.

Support.....	\$28,000
Repairs and improvements.....	6,000
Total.....	34,000

REQUESTED IN PROPOSED BILL FOR 1921.

Support and education of 125 Indian pupils at the Indian school, and superintendent's salary.....	\$29,725
Repairs and improvements.....	6,000
New buildings.....	
Total.....	35,725

SALARIES AND POSITIONS, 1919.

Superintendent.....	\$1,400	Seamstress.....	\$500
Clerk.....	1,000	Laundress.....	480
Disciplinarian.....	780	Cook.....	500
Physician (contract).....	600	Carpenter.....	800
Teacher.....	720	Engineer.....	720
Do.....	600	Total.....	9,000
Matron.....	600		
Assistant matron.....	300		

The sum of \$29,725, for support of the Bismarck school, North Dakota, will provide for 125 pupils at \$225 per capita, in addition to the superintendent's salary.

The sum of \$6,000 is required for general repairs and improvements. Most of the buildings at this plant are very old and need constant repairs to keep them warm enough for occupancy in that cold country.

The CHAIRMAN. Page 56, line 16:

For support and education of 400 Indian pupils at Fort Totten Indian school, Fort Totten, N. Dak., and for pay of superintendent, \$82,000; for general repairs and improvements, \$8,000; in all, \$90,000.

Mr. MERITT. We offer for the record the following justification:

Indian school, Fort Totten, N. Dak.

Fiscal year ending June 30, 1920:	
Amount appropriated.....	\$82,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated.....	76,000.00
Amount expended.....	75,597.29
Unexpended balance.....	402.71

¹ Error in figures given in 1918 report.

Analysis of expenditures:

Salaries, wages, etc.....	\$24,317.71
Traveling expenses.....	115.15
Transportation of supplies.....	5,434.19
Telegraph and telephone service.....	57.78
Stationery, printing, schoolroom supplies.....	318.34
Subsistence supplies.....	17,504.54
Dry goods, clothing, etc.....	9,232.24
Forage.....	1,248.60
Fuel, lubricants, power and light service.....	11,395.29
Medical supplies, etc.....	135.00
Live stock.....	45.00
Equipment and miscellaneous material.....	2,957.19
Miscellaneous.....	1,029.05
Outstanding liabilities.....	1,807.21
Total.....	75,597.29

REPAIRS AND IMPROVEMENTS.

Fiscal year ending June 30, 1920:

Amount appropriated.....	\$7,000.00
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Fiscal year ended June 30, 1919:

Amount appropriated.....	7,000.00
Amount expended.....	7,000.00

Analysis of expenditures:

Repair of buildings.....	5,129.89
Outstanding liabilities.....	1,870.11
Total.....	7,000.00

STATISTICAL STATEMENT FOR YEAR ENDING JUNE 30, 1919.

Value of school plant (real property).....	\$147,060
Number of buildings.....	35
Number of employees.....	42
Total salaries.....	\$26,100
Average attendance of pupils.....	258
Average enrollment.....	357
Capacity.....	323
Cost per capita based on enrollment.....	\$184
Cost per capita based on average attendance.....	\$254
Area of school land (acres).....	¹ 1,560
Area of school land (acres cultivated).....	420
Value of agricultural products.....	\$7,500
Value of other school products.....	\$2,485
Indian money, proceeds of labor (school earnings) expended.....	\$2,539

SUPERINTENDENT'S ESTIMATE OF ABSOLUTE NEEDS FOR 1921.

Support.....	\$94,060
Repairs and improvements.....	8,500
New buildings.....	15,000
Total.....	117,560

REQUESTED IN PROPOSED BILL FOR 1921.

Support and education of 400 Indian pupils at the Indian school and superintendent's salary.....	82,000
Repairs and improvements.....	8,000
Total.....	90,000

¹ Does not include 660 acres pasture.

POSITIONS AND SALARIES, 1919.

Superintendent.....	\$2,000	Shoe and harness maker.....	\$900
Clerk.....	1,000	Engineer.....	900
Assistant clerk.....	720	Assistant engineer.....	300
Disciplinarian.....	840	Carpenter.....	800
Principal.....	1,200	Assistant carpenter.....	300
Teacher.....	630	Dairyman and gardener.....	720
Do.....	690	Painter.....	680
Do.....	660	Laborer.....	600
Do.....	600	Do.....	480
Do.....	600	Assistant.....	300
Teacher of housekeeping.....	720	Principal teacher.....	600
Matron.....	660	Teacher.....	530
Assistant matron.....	500	Assistant teacher.....	510
Do.....	500	Matron.....	500
Nurse.....	720	Assistant matron.....	400
Cook.....	500	Seamstress.....	400
Seamstress.....	500	Laundress.....	480
Assistant seamstress.....	300	Assistant Laundress.....	240
Laundress.....	500	Cook.....	400
Assistant laundress.....	300	Laborer.....	520
Baker.....	500		
Farmer.....	900	Total.....	26,100

The sum of \$82,000 provides for support and education of 400 Indian pupils at \$200 per capita, and for the salary of the superintendent, at the Fort Totten school.

Eight thousand dollars is requested for repairs and improvements. There are about 35 buildings at this plant. The majority are old and need constant repairing.

The CHAIRMAN. The \$1,000 increase is satisfactory. Read page 56, line 20:

For support and education of two hundred Indian pupils at the Indian school, Wahpeton, North Dakota, and pay of superintendent, \$46,800; for general repairs and improvements, \$7,000; for additions to appropriations of \$20,000 and \$10,000 for school building and assembly hall, contained in the acts of May 18, 1916 (Thirty-ninth Statutes at Large, page 144), and March 2, 1917 (Thirty-ninth Statutes at Large, page 932), \$10,000; in all, \$63,800.

Mr. MERITT. We offer for the record the following justification:

Indian school, Wahpeton, N. Dak.

Fiscal year ending June 30, 1920: Amount appropriated.....\$46,800.00

Fiscal year ended June 30, 1919:

Amount appropriated.....41,800.00

Amount expended.....41,794.59

Unexpended balance.....5.41

Analysis of expenditures:

Salaries, wages, etc.....	16,358.73
Traveling expenses.....	4.75
Transportation of supplies.....	503.73
Telegraph and telephone service.....	43.67
Stationery, printing, schoolroom supplies.....	273.73
Subsistence supplies.....	9,697.29
Dry goods, clothing, etc.....	3,264.38
Forage.....	758.59
Fuel, lubricants, power and light service.....	6,999.22
Medical supplies, etc.....	70.83
Live stock.....	126.50
Equipment and miscellaneous material.....	3,021.87
Miscellaneous.....	671.30

Total.....41,794.59

REPAIRS AND IMPROVEMENTS.

Fiscal year ending June 30, 1920: Amount appropriated.....	\$6,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated.....	5,000.00
Amount expended.....	5,000.00
Analysis of expenditures:	
Telegraph and telephone service.....	.25
Repair of buildings.....	4,874.75
Outstanding liabilities.....	125.00
Total.....	5,000.00

STATISTICAL STATEMENT FOR YEAR ENDING JUNE 30, 1919.

Value of school plant (real property).....	\$218,300
Number of buildings.....	24
Number of employees.....	26
Total salaries.....	\$19,120
Average attendance of pupils.....	129
Average enrollment.....	165
Capacity.....	200
Cost per capita based on enrollment.....	\$233
Cost per capita based on average attendance.....	\$221
Area of school land (acres).....	180
Area of school land (acres cultivated).....	154
Value of agricultural products.....	\$6,636
Value of other school products.....	\$1,756
Indian money, proceeds of labor (school earnings) expended.....	\$3,863

SUPERINTENDENT'S ESTIMATE OF ABSOLUTE NEEDS FOR 1921.

Support.....	\$50,000
Repairs and improvements.....	9,000
New buildings, school building and assembly hall additional.....	10,000
Total.....	69,000

REQUESTED IN PROPOSED BILL FOR 1921.

Support and education of 200 Indian pupils at the Indian school, and superintendent's salary.....	\$46,800
Repairs and improvements.....	7,000
New buildings, additions to appropriations of \$20,000 and \$10,000 for school building and assembly hall, contained in the acts of May 18, 1916 (39 Stat. L., 144) and Mar. 2, 1917 (39 Stat. L., 932).....	10,000
Total.....	63,800

POSITIONS AND SALARIES, 1919.

Superintendent.....	\$1,800	Cook.....	\$540
Financial clerk.....	960	Assistant cook.....	480
Clerk.....	1,100	Seamstress.....	500
Physician (contract).....	540	Laundress.....	480
Disciplinarian.....	660	Engineer.....	900
Principal teacher.....	1,000	Shoe and harness maker.....	300
Teacher.....	840	Laborer.....	780
Do.....	660	Do.....	720
Do.....	600	Do.....	780
Domestic science teacher.....	720	Do.....	660
Matron.....	720	Do.....	300
Assistant matron.....	540	General mechanic.....	1,200
Do.....	500		
Nurse.....	840	Total.....	19,120

The sum of \$46,800 for support of Wahpeton Indian School, North Dakota, will provide for 200 Indian children at \$225 per capita, in addition to superintendent's salary.

The amount requested for repairs and improvements, \$7,000, is needed for the upkeep of the school plant, comprising 24 buildings.

There are appropriations in the acts of 1917 and 1918 for a new school building and assembly hall, for \$20,000 and \$10,000, respectively. However, owing to war conditions these buildings have not been constructed, and it becomes necessary now, on account of the increase in cost of materials, to ask for an additional appropriation of \$10,000.

The CHAIRMAN. We will have to get that \$8,000 out of there, Mr. Meritt. Last year you had \$55,800, and now you are asking for \$63,800.

Mr. MERITT. We are asking for \$10,000 increase. There has been appropriated \$20,000 and \$10,000 for this school building and assembly hall, and now we are asking for an additional appropriation of \$10,000.

The CHAIRMAN. But the total amount asked for seems to be only \$8,000 more than last year in the print of the bill.

Mr. MERITT. We had a new shop built last year which we are not asking for this year.

Mr. CARTER. There is \$10,000 more for repairs and improvements than last year.

The CHAIRMAN. The new legislation for additions to appropriations is \$20,000 and \$10,000 for school building and assembly hall.

Mr. CARTER. He only asked for an additional appropriation of \$10,000.

The CHAIRMAN. Because you have already had \$20,000 and \$10,000; is that correct?

Mr. MERITT. We have had \$20,000 and \$10,000, and are asking for an additional appropriation of \$10,000 to build the building.

The CHAIRMAN. You are building that building now?

Mr. MERITT. We have not started to build, because we could not complete it with present appropriations, and need \$10,000 more in order to put up a building.

The CHAIRMAN. Then you have not started the building.

Mr. CARTER. It was appropriated for in 1916.

Mr. MERITT. It was during the war, and prices kept soaring so we could not build within the limits of the appropriation.

The CHAIRMAN. The justification shows an average attendance of 129, and capacity of 200. What is the necessity for a new school building to cost \$40,000, as you now ask?

Mr. MERITT. In view of the very poor showing of the average attendance at that school, we will defer making this request for this building until next year.

The CHAIRMAN. All right. Strike out all of the language in italics; strike out all after the "\$7,000" in line 24.

The clerk will read the next item, page 57, line 4.

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of \$25,000 of any funds to the credit of the Indians on the Standing Rock Indian Reservation and to expend the same for the construction of roads and bridges within said reservation.

Mr. MERITT. We offer for the record the following justification:

ROADS AND BRIDGES, STANDING ROCK RESERVATION, N. DAK.

This reservation comprises 1,388,411 acres, inhabited by 3,455 Indians. Better road facilities are badly needed on this reservation, and it is believed that no better use could be made of the tribal funds than to expend them for this purpose, which will also provide the Indians with labor, thereby contributing to their support to this extent.

The CHAIRMAN. Is it justified?

Mr. MERITT. Yes, sir; we very much need that appropriation. It also gives work to the Indians on the reservation.

Mr. CARTER. Do the Indians want the money spent that way?

Mr. MERITT. Yes, sir.

The CHAIRMAN. The next item is page 58, line 8, for the Fort Berthold Reservation:

That the Secretary of the Interior is hereby authorized to make allotments from the surplus and undisposed of lands on the diminished portion of the Fort Berthold Reservation, North Dakota, to any living children on said reservation, entitled to rights thereon, but who have not yet been allotted, not exceeding one hundred and sixty acres of agricultural land or three hundred and twenty acres of grazing land, and to issue trust patents for the selection so made, as provided by article 4 of the agreement of December 14, 1886, as ratified by the act of March 3, 1891 (Twenty-sixth Statutes at Large, pages 1032 and 1033), such allotments to be made under rules and regulations prescribed by the Secretary of the Interior: *Provided*, That where selections are made on lands reported to contain coal or other mineral, such selections shall be approved and the allottee shall receive a patent therefor, under the aforesaid act, with a reservation, however, of the coal or other mineral for the benefit of the tribe: *And provided further*, That allotments herein authorized may be made to persons qualified to receive such allotments so long as there are any surplus lands suitable for the purpose.

Mr. MERITT. We offer for the record the following justification:

Allotments were made on the Fort Berthold Reservation, N. Dak., under the provisions of the act of March 3, 1891 (26 Stat. L., 1032), and the act of March 1, 1907 (34 Stat. L., 1042), and the act of June 1, 1910 (36 Stat. L., 455). The last-mentioned act provides (sec. 2):

"Allotment of 160 acres of agricultural land or 320 acres of grazing land to be made from the lands of the Fort Berthold Indian Reservation to each member of the several tribes belonging to and occupying said reservation *now living*, such allotment to be made in addition to any allotments heretofore made or which may be made under existing law."

Children born subsequent to June 1, 1910, to members of the several tribes occupying the Fort Berthold Reservation are not entitled to allotments on the Fort Berthold Reservation under existing law. The number of unallotted children on the Fort Berthold Reservation as of June 30, 1917, was reported to be 175. There are probably at this time approximately 200.

The agreement of December 14, 1886 (art. 3), as ratified by the act of March 3, 1891, supra, provides for allotments as follows:

	Acres.
To each head of a family.....	160
To each single person over 18 years of age.....	80
To each orphan under 18 years of age.....	80
To each other person under 18 years of age.....	40

The act of March 1, 1907 (34 Stat. L., 1042), authorized an allotment of 80 acres to each unallotted Indian then living, and an additional allotment to each Indian who had previously been allotted less than 80 acres—a sufficient area to bring his total allotment up to 80 acres.

There are approximately 100,000 acres of surplus lands on the diminished Fort Berthold Reservation, which will provide allotments of 160 acres of agricultural land or 320 acres of grazing land to each unallotted Indian and still

leave a surplus for children that may be born hereafter. While these areas do not approximate the total amount heretofore allotted to individual Indians on the Fort Berthold Reservation, they are believed to form the basis for an equitable distribution of the surplus lands now remaining; and at the same time the interests of the tribe will be guarded as to any coal or mineral deposits in such lands which are to be treated as a tribal asset.

This proposed legislation, Mr. Chairman, would authorize us to allot to new-born children on the Fort Berthold Reservation the surplus lands on that reservation that have not been heretofore disposed of. It is clearly for the benefit of the Fort Berthold Indians. It is in accordance with their request, and it is their property that is being allotted, and we can see no objection to this legislation.

The CHAIRMAN. You are not putting this in so that some one not connected with the tribe could claim an allotment and the tribe will claim pay for it?

Mr. MERITT. Not at all. The tribe has requested this legislation.

The CHAIRMAN. I am willing to confess that I can not get my mind centered on this method of allotting lands, and therefore I like to have somebody around who knows something about it when these questions come up. Is this a continuing appropriation?

Mr. MERITT. There is no appropriation in this item. The legislation now on the statute books only authorized us to allot the Fort Berthold Indians up to the date of the act.

Mr. CARTER. Why will not they allot them?

Mr. MERITT. Because they have been born since.

Mr. CARTER. Is the allotment to the new born?

Mr. MERITT. They have been born since the allotment rolls were closed. It is to give these children allotments and the Indians desire it.

Mr. CARTER. I think it is all right.

The CHAIRMAN. We will approve it. The next item is page 59, line 3:

That there is hereby appropriated out of any money in the Treasury not otherwise appropriated, to reimburse the Indians of the Fort Berthold Reservation, North Dakota, for two hundred and fifty-three and four one-hundredths acres of land embraced within the boundaries of the Verendrye National Monument, established by presidential proclamation of June 29, 1917, the sum of \$1,265.20, representing the appraised value of said land at \$5 per acre: *Provided*, That the sum appropriated shall be subject to expenditure upon the order of the Secretary of the Interior for the benefit of the Indians of the Fort Berthold Reservation.

Mr. MERITT. We offer for the record the following justification:

The land referred to in the above item is embraced within the Fort Berthold Reservation. It was reserved by presidential proclamation, dated June 29, 1917, upon the recommendation of the National Park Service, and set aside as the Verendrye National Monument. The Fort Berthold Reservation was established by treaty, and the equitable title to said lands is in the Indians, the legal title being in the United States. Through the reservation of the land as a national monument, without the consent of the Indians, they have been deprived of its use, and should, therefore, be reimbursed for its appraised value. At the present time the land is under the joint supervision of the custodian of the National Park Service, residing at Sanish, N. Dak., and the superintendent of the Fort Berthold Agency at Elbowwoods, N. Dak. Should an appropriation be made to reimburse the Indians for the value of the land, the Bureau of Indian Affairs will surrender all its rights and claims thereto on behalf of the Fort Berthold Indians to the National Park Service, which will thereafter have full and complete control.

The CHAIRMAN. Will you tell us about it?

Mr. MERITT. In other words, the Indian lands have been included in a national reserve without the Indians being compensated for their lands, and this is to reimburse them.

The CHAIRMAN. This \$1,265.20 is in full compensation for this particular lot of lands?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Is it an obligation the Government should pay?

Mr. MERITT. It is an obligation that should be paid by the Government because it is land that belonged to the Indians.

The CHAIRMAN. How long has this been in abeyance?

Mr. MERITT. Since this land was taken over by proclamation dated June 29, 1917.

The CHAIRMAN. The land has been actually taken over and has not been paid for?

Mr. MERITT. Yes, sir.

Mr. CARTER. Now, Mr. Chairman, there are some words in there which do not make good English. In line 3, "That there is hereby appropriated out of any money in the Treasury not otherwise appropriated." That was in the first page of the bill, "that the following sums be and are hereby appropriated," etc.

If the language in line 3 is stricken out, it leaves the regular language in the bill. Strike out all of line 3 down to and including the word "appropriated" in line 4, so the item will begin: "To reimburse the Indians of the Fort Berthold Reservation——"

Mr. MERITT. That will be satisfactory.

The CHAIRMAN. Page 59, line 14.

OKLAHOMA.

SEC. 18. For support and civilization of the Wichitas and affiliated bands who have been collected on the reservations set apart for their use and occupation in Oklahoma, including pay of employees, \$5,000.

Mr. MERITT. We offer for the record the following justification:

Support of Wichitas and affiliated bands, Oklahoma.

Fiscal year ending June 30, 1920: Amount appropriated.....	\$5,000. 00
Fiscal year ended June 30, 1919:	
Amount appropriated.....	5,000. 00
Amount expended.....	4,875. 00
Unexpended balance.....	125. 00
Analysis of expenditures:	
Salaries, wages, etc.....	3,136. 00
Traveling expenses.....	74. 80
Telegraph and telephone service.....	1. 24
Fuel, lubricants, power and light service.....	55. 00
Medical supplies, etc.....	1,077. 01
Equipment and miscellaneous material.....	398. 87
Outstanding liabilities.....	132. 08
Total.....	4,875. 00

This appropriation covers the expenses of administration of the affairs of 1,134 Wichita and Caddo Indians under the jurisdiction of the Kiowa Agency, Okla., and, as will be seen by the analysis of expenditures, is used for the pay of necessary employees, medical supplies, miscellaneous equipment, and materials, etc.

This is the only appropriation available for the support and civilization of these Indians.

The CHAIRMAN. I notice these items are the same as last year. Is there any reason why there should not be some change in the items one way or the other? It seems as if in the entire year there would be something to cause the item to go up or down.

Mr. MERITT. No, sir. Those are support items and we are required to exercise the greatest economy in keeping within the appropriations heretofore made.

The CHAIRMAN. And you are keeping within those appropriations without detriment to the service you are rendering?

Mr. MERITT. We are not paying the salaries that we really ought to pay, but we are carrying on the work with the same amount that has been appropriated for several years, notwithstanding the fact that the prices have gone up materially.

The CHAIRMAN. Without detriment to the service?

Mr. MERITT. I think so.

The CHAIRMAN. Is that the best you can say?

Mr. MERITT. But with a great deal of disappointment to the employees in the service who want higher salaries.

The CHAIRMAN. But you do think that the service is being efficiently carried on?

Mr. MERITT. Yes, sir.

The CHAIRMAN. The next item is page 59, line 19:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of \$30,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, for the support of the agency and pay of employees maintained for their benefit.

Mr. MERITT. We offer for the record the following justification:

Apache, Kiowa, and Comanche 1/2 per cent fund (support of agency and pay of employees).

Fiscal year ending June 30, 1920; amount authorized_____ \$30,000.00

Fiscal year ended June 30, 1919:

Amount authorized_____ 25,000.00

Amount expended_____ 25,000.00

Analysis of expenditures:

Salaries, wages, etc_____ 18,812.26

Transportation of supplies_____ 142.97

Telegraph and telephone service_____ 11.05

Stationery, printing, schoolroom supplies _____ 35.05

Subsistence supplies_____ 28.45

Fuel, lubricants, power, and light service_____ 2,754.20

Medical supplies, etc_____ .30

Equipment and miscellaneous material_____ 3,029.70

Miscellaneous _____ 2.00

Outstanding liabilities_____ 384.02

Total _____ 25,000.00

AGENCY SUPPORT.

This item, as will be noted, provides for the authorization from tribal funds of \$30,000 for the support and civilization of the Kiowa, Comanche, and Apache Indians under the jurisdiction of the Kiowa Agency, numbering 3,354.

The activities of the Kiowa Agency have been steadily increasing in the past two years, due in a large measure to the oil and gas developments on

the reservations, and the leasing and collecting of rentals therefrom. In addition the handling of the farming operations and approximately \$1,500,000 of individual Indian moneys has entailed work of large proportions.

As will be seen from the analysis of expenditures, the fund is used for the paying of employees, the purchase of fuel and illuminating equipment, miscellaneous materials, etc., required in the conduct of the agency.

This amount is asked for from tribal funds in view of the fact that these Indians have a large amount of money to their credit, and it is thought just and proper that they should contribute to the cost of administering their affairs.

The CHAIRMAN. Page 60, line 1.

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States, at his discretion, the sum of \$250,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, and pay out the same for the benefit of the members of said tribes for their maintenance and support and improvement of their homesteads for the ensuing year in such manner and under such regulations as he may prescribe: *Provided*, That the Secretary of the Interior shall report to Congress on the first Monday in December, 1921, a detailed statement as to all moneys expended as provided for herein.

Mr. MERITT. We offer for the record the following justification:

Tribal funds of Apaches, Kiowas, and Comanches (maintenance and support and improvement of homesteads).

Fiscal year ending June 30, 1920: Amount appropriated	\$250,000.00
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Fiscal year ended June 30, 1919:	
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Amount authorized	250,000.00
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Amount expended	247,418.75
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Unexpended balance	2,581.25
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Analysis of expenditures, per capita payments	247,418.75
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The purpose of this item is to authorize the withdrawal of \$250,000 of the tribal funds on deposit in the United States Treasury to the credit of the Apache, Kiowa, and Comanche Indians in Oklahoma, for the support of said Indians and the improvement of their homesteads, and is the same amount which has been so authorized annually for the past several years. This fund is derived from the sale of their surplus land under the act of June 5, 1906 (34 Stat. L., 213), and is deposited in the United States Treasury at 4 per cent interest, both principal and interest being subject to expenditure for the benefit of said Indians "in such manner as Congress may direct." On November 22, 1919, the amount of the principal fund in the Treasury to the credit of these Indians was \$1,655,038.72.

According to the latest figures, there are approximately 2,897 Apache, Kiowa, and Comanche Indians entitled to share in this fund. It is customary to pay this money to the Indians in two payments, one in the fall (so that they will have funds to carry them through the winter), and the other in the spring, with which to purchase agricultural equipment, seeds, etc. As the fund belongs to the Indians and is badly needed for the purpose set forth above, it is recommended that the item be approved in conformity with the custom of previous years.

Mr. CARTER. I notice in the item preceding that, and in that item, that both these items are taken from the tribal funds.

The CHAIRMAN. I notice that. The next items are gratuities. I ask the same question there with regard to these items being fixed that I propounded with regard to the items referred to before.

Mr. MERITT. The same answer would apply, and we very much need these appropriations; they can not very well be reduced.

The CHAIRMAN. And without increasing them the service can be efficiently and economically carried on. The clerk will read the next item on page 60, beginning with line 14.

For support and civilization of the Cheyennes and Arapahoes who have been collected on the reservations set apart for their use and occupation in Oklahoma, including pay of employees, \$35,000.

Mr. MERITT. We offer for the record the following justification:

Support of Cheyennes and Arapahoes, Oklahoma.

Fiscal year ending June 30, 1920; amount appropriated-----	\$35,000.00
Fiscal year ended June 20, 1919:	
Amount appropriated-----	35,000.00
Amount expended-----	33,425.69
Unexpended balance-----	1,574.31
Analysis of expenditures:	
Salaries, wages, etc.-----	22,043.62
Traveling expenses-----	808.89
Transportation of supplies-----	158.82
Telegraph and telephone service-----	342.52
Stationery, printing, schoolroom supplies-----	212.49
Subsistence supplies-----	24.62
Dry goods, clothing, etc.-----	5.65
Forage-----	111.40
Fuel, lubricants, power, and light service-----	3,992.19
Medical supplies, etc.-----	661.89
Equipment and miscellaneous material-----	3,010.69
Miscellaneous-----	114.50
Outstanding liabilities-----	1,938.41
Total-----	33,425.69

This appropriation is required for the support of three agencies in Oklahoma, having supervision over 2,680 Cheyenne and Arapaho Indians, and is in the same amount allowed in previous years, which is necessary for the proper conduct of these agencies.

As the analysis shows, these funds are used for the pay of necessary employees, equipment, and miscellaneous materials, fuel, medical supplies, traveling and other necessary expenses incidental to the administration of the affairs of these Indians.

The CHAIRMAN. The clerk will read.

For support and civilization of the Kansas Indians, Oklahoma, including pay of employees, \$1,500.

Mr. MERITT. We offer for the record the following justification:

Support of Kansas Indians, Oklahoma.

Fiscal year ending June 30, 1920: Amount appropriated-----	\$1,500.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	1,500.00
Amount expended-----	1,320.85
Unexpended balance-----	179.15
Analysis of expenditures:	
Salaries, wages, etc.-----	1,032.50
Traveling expenses-----	19.98
Transportation of supplies-----	2.50

Analysis of expenditures—Continued.

Telegraph and telephone service-----	\$24. 45
Forage -----	24. 89
Fuel, lubricants, power, and light service-----	23. 80
Equipment and miscellaneous material-----	167. 45
Miscellaneous-----	25. 28
Total-----	1, 320. 85

This appropriation is used for the pay of one clerk and the purchase of miscellaneous supplies and incidental expenses arising in the administration of the affairs of 361 Kansas Indians, who were formerly under the jurisdiction of the Ponca Agency, which has now been consolidated with the Pawnee Agency.

The CHAIRMAN. The clerk will read.

For support and civilization of the Kickapoo Indians in Oklahoma, including pay of employees, \$2,000.

Mr. MERITT. We offer for the record the following justification:

Support of Kickapoos, Oklahoma.

Fiscal year ending June 30, 1920: Amount appropriated-----	\$2, 000. 00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	2, 000. 00
Amount expended-----	1, 937. 09
Unexpended balance_ _ _ _ _	62. 91
Analysis of expenditures:	
Salaries, wages, etc-----	900. 00
Traveling expenses-----	562. 85
Telegraph and telephone service_ _ _ _ _	40. 03
Stationery, printing, schoolroom supplies-----	4. 00
Fuel, lubricants, power and light service-----	21. 69
Equipment and miscellaneous material-----	408. 52
Total-----	1, 937. 09

This fund is used for the administration of the affairs of 195 Kickapoo Indians under the jurisdiction of the superintendent of the Shawnee Agency, Okla., and is required, as the analysis of expenditures will show, for the pay of one clerk, equipment, traveling expenses, etc.

The CHAIRMAN. The clerk will read.

For support and civilization of the Ponca Indians in Oklahoma and Nebraska, including pay of employees, \$8,000.

Mr. MERITT. We offer for the record the following justification:

Support of Poncas, Oklahoma.

Fiscal year ending June 30, 1920: Amount appropriated-----	\$8, 000. 00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	8, 000. 00
Amount expended-----	7, 101. 71
Unexpended balance-----	898. 29
Analysis of Expenditures:	
Salaries, wages, etc-----	4, 083. 46
Traveling expenses-----	49. 44
Telegraph and telephone service-----	90. 94
Stationery, printing, schoolroom supplies-----	18. 39
Subsistence supplies-----	4. 38
Dry goods, clothing, etc-----	. 98
Forage-----	425. 00

Analysis of expenditures—Continued.

Fuel, lubricants, power and light service	\$1, 141. 91
Medical supplies, etc	263. 79
Equipment and miscellaneous material	752. 32
Miscellaneous	6. 40
Outstanding liabilities	264. 60
Total	7, 101. 71

The Indians benefiting under this appropriation are 1,002 in number, 664 of whom are under the jurisdiction of the Pawnee Agency, Okla., and 338 under the Yankton Agency, in South Dakota, which looks after those located at Santee, Nebr.

This appropriation, as the analysis of expenditures shows, is used for the pay of necessary employees, the purchase of fuel and illuminants, equipment, forage, and miscellaneous agency expenses incident to the supervision of the affairs of these Indians.

The CHAIRMAN. The next item is page 60, beginning at line 24.

For support and education of 550 Indian pupils at the Indian school at Chilocco, Okla., including pay of superintendent, \$94,600; for general repairs and improvements, \$15,000; for new buildings and additions to and remodeling of present buildings, \$229,000; in all, \$338,600.

Mr. MERITT. We offer for the record the following justification:

Indian school, Chilocco, Okla.

Fiscal year ending June 30, 1920: Amount appropriated \$94,800. 00

Fiscal year ended June 30, 1919:

Received on account of tuition 1, 513. 75

Amount appropriated 94, 600. 00

Amount expended 96, 113. 75

Analysis of expenditures:

Salaries, wages, etc	36, 984. 55
Telegraph and telephone service	46. 75
Stationery, printing, schoolroom supplies	1, 409. 96
Subsistence supplies	31, 703. 54
Dry goods, clothing, etc	12, 302. 41
Forage	133. 00
Fuel, lubricants, power, and light service	1, 443. 10
Medical supplies, etc	403. 74
Equipment and miscellaneous material	10, 519. 71
Miscellaneous	808. 83
Outstanding liabilities	367. 16

Total 96, 113. 75

REPAIRS AND IMPROVEMENTS.

Fiscal year ending June 30, 1920: Amount appropriated \$7, 000. 00

Fiscal year ended June 30, 1919:

Amount appropriated 7, 000. 00

Amount expended 7, 000. 00

Analysis of expenditures:

Traveling expenses	151. 54
Repair of buildings	6, 848. 46

Total 7, 000. 00

STATISTICAL STATEMENT FOR YEAR ENDING JUNE 30, 1919.

Value of school plant (real property)-----	\$701,470
Number of buildings-----	57
Number of employees-----	57
Total salaries-----	\$47,050
Average attendance of pupils-----	363
Average enrollment-----	528
Capacity-----	500
Cost per capita based on enrollment-----	\$170
Cost per capita based on average attendance-----	\$248
Area of school land (acres)-----	8,580
Area of school land (acres cultivated)-----	6,050
Value of agricultural products-----	\$71,536
Value of other school products-----	\$5,742
Indian money, proceeds of labor (school earnings) expended-----	\$30,755

SUPERINTENDENT'S ESTIMATE OF ABSOLUTE NEEDS FOR 1921.

Support-----	\$142,750
Repairs and improvements-----	15,000
New buildings-----	
Total-----	157,750

REQUESTED IN PROPOSED BILL FOR 1921.

Support and education of 550 Indian pupils at the Indian school, and superintendent's salary-----	\$94,600
Repairs and improvements-----	15,000
New buildings and additions and remodeling present buildings-----	229,000
Total-----	338,600

POSITIONS AND SALARIES, 1919.

Superintendent-----	\$2,750	Cook-----	\$660
Disciplinarian-----	1,000	Laundress-----	600
Chief clerk-----	1,400	Teacher of agriculture-----	1,200
Assistant clerk-----	900	Farmer-----	1,100
Do-----	840	Assistant farmer-----	720
Do-----	960	Superintendent of industries-----	1,060
Property clerk-----	720	Stockman-----	1,000
Physician (contract)-----	720	Shoe and harness maker-----	840
Assistant superintendent and principal-----	1,800	Blacksmith-----	840
Senior teacher-----	900	Band leader-----	840
Teacher-----	810	Nurseryman-----	900
Do-----	780	Mason-----	900
Do-----	750	Painter-----	840
Do-----	720	Carpenter-----	800
Do-----	660	Engineer-----	1,400
Do-----	600	Assistant engineer-----	840
Do-----	600	Do-----	840
Do-----	600	Printer-----	1,200
Do-----	600	Hostler-----	720
Librarian-----	720	Night watchman-----	540
Domestic-science teacher-----	720	Baker-----	600
Matron-----	900	Laborer-----	720
Assistant matron-----	660	Do-----	720
Do-----	540	Do-----	720
Do-----	540	Assistant laborer-----	720
Dining-room matron-----	600	Do-----	480
Nurse-----	840	Do-----	300
Seamstress-----	720	Do-----	300
Assistant seamstress-----	300		
			47,050

The appropriation requested provides for 550 pupils at the Chilocco School.

This school has a large farm and is well equipped for giving complete academic and industrial training to Indian pupils. It is conveniently located as regards Indian population and is one of the best and largest schools. It carries the highest grades provided for in the course of study for Government Indian schools, and will be required for some years to come.

For the fiscal year 1920, \$7,000 is provided for repairs and improvements. A larger amount is necessary for 1921, as the plant has not been properly kept up and the dormitories need thorough renovation. Due to the unusual condition prevailing for the last few years, repairs at the schools have been few, and a larger appropriation for that purpose is now required.

It is planned to increase the capacity of this school to about 800 pupils, operating it primarily as an agricultural school. This will require the following new buildings: Employees' quarters, hospital, gymnasium, domestic-science building, horse barn and hog house. Also, additions and remodeling present hospital into apartments for married employees, addition to schoolhouse, addition to library, remodeling horse barn into print shop and storehouse, remodeling print shop into office, lavatory annexes to Homes II, III, and IV, and improvements to plumbing and heating.

The CHAIRMAN. I note here in the statistical statement the average attendance of the pupils at this school is 363, capacity 500. In view of the fact that in nonreservation schools we have now a surplus capacity of 1,800, it does not seem to me justifiable to consider any appropriation for new buildings at this school, particularly in view of the fact that you have an unoccupied capacity of 137.

Mr. MERITT. Commissioner Sells made a personal visit to the Chilocco school several months ago and spent considerable time there in working out the details of enlarging that plant. He is very much interested in increasing the capacity of the school to 800, it being located in Oklahoma and convenient to one-third of the Indians in the United States.

The CHAIRMAN. I am in sympathy with the extension of certain of these schools in order to eliminate some of the schools which ought not to exist anywhere, and transfer pupils into larger schools with better facilities and better environment, but until there is positive evidence on the part of the department to carry out the suggestions which have been made and the evidence of the necessity for the suggestions to be carried out is in the hearings, I shall be opposed to the extension of any of these schools on any such large basis as is proposed here, and, therefore, if that is subject to a point of order I make the point of order on that section here now. That eliminates it for the present and the clerk will read.

Mr. HERNANDEZ. It leaves it as it was last year.

Mr. MERITT. You will notice that we are asking \$15,000 for general repairs and improvements.

The CHAIRMAN. I have no objection to that. I want to keep the plant in good shape. That leaves the appropriation how much?

Mr. MERITT. \$109,600.

The CHAIRMAN. The next item is page 61, line 11—

For fulfilling treaties with Pawnees, Oklahoma: For perpetual annuity, to be paid in cash to the Pawnees (art. 3, agreement of Nov. 23, 1892), \$30,000; for support of two manual-labor schools (art. 3, treaty of Sept. 24, 1857), \$10,000; for pay of one farmer, two blacksmiths, one miller, one engineer and apprentices, and two teachers (art. 4, same treaty), \$5,400; for purchase of iron and steel and other necessities for the shops (art. 4, same treaty), \$500; for pay of physician and purchase of medicines, \$1,200; in all, \$47,100.

MR. MERITT. We offer for the record the following justification:

Fulfilling treaties with Pawnees, Oklahoma.

Fiscal year ending June 30, 1920, amount appropriated	\$30,000.00
Fiscal year ended June 30, 1919:	
Unexpended balance from prior years	7,197.24
Amount appropriated	30,000.00
Total	37,197.24
Amount expended	30,275.97
Unexpended balance	6,921.27
Analysis of expenditures, per capita payments	30,275.97

Support of Pawnees.

SCHOOLS, OKLAHOMA.

Fiscal year ending June 30, 1920: Amount appropriated	\$10,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated	10,000.00
Amount expended	9,555.85
Unexpended balance	44.15
Analysis of expenditures:	
Salaries, wages, etc	55.80
Traveling expenses	52.29
Transportation of supplies	258.55
Telegraph and telephone service	28.36
Stationery, printing, schoolroom supplies	37.29
Subsistence supplies	3,235.09
Dry goods, clothing, etc	1,379.14
Forage	989.63
Fuel, lubricants, power and light service	2,217.68
Medical supplies, etc	132.59
Live stock	240.00
Equipment and miscellaneous material	1,168.66
Miscellaneous	160.77
Total	9,955.85

EMPLOYEES, ETC., OKLAHOMA.

Fiscal year ending June 30, 1920: Amount appropriated	\$6,600.00
Fiscal year ended June 30, 1919:	
Amount appropriated	6,600.00
Amount expended	6,338.24
Unexpended balance	261.76
Analysis of expenditures:	
Salaries, wages, etc	6,318.06
Medical supplies, etc	20.18
Total	6,338.24

IRON, STEEL, ETC., OKLAHOMA.

Fiscal year ending June 30, 1920: Amount appropriated	\$500
Fiscal year ended June 30, 1919:	
Amount appropriated	500
Amount expended	500
Analysis of expenditures: Salaries, wages, etc	500

By the treaty of September 24, 1857 (11 Stat., 729), as amended in part by the agreement of November 23, 1892, and ratified by the act of March 3, 1893

(27 Stat., 644), the United States Government obligated itself, under articles 2, 3, and 4 of said treaty, to pay the Pawnees an annuity, furnish them schools for the education of their children, certain employees, and a specified amount for the purchase of iron and steel.

The amount requested is the same as has been allowed in previous years, and is required to carry out the provisions of the treaty. As the analysis shows, the appropriation is divisible into four parts, i. e., the payment of the annuity, the support of schools, pay of employees, and the purchase of iron, steel, etc.

The CHAIRMAN. The clerk will read.

For support of Quapaws, Oklahoma: For education (article 3, treaty of May 13, 1833), \$1,000; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop (same article and treaty), \$500; in all, \$1,500: That the President of the United States shall certify the same to be for the best interests of the Indians.

Mr. MERITT. We offer for the record the following justification:

Support of Quapaws.

EDUCATION, OKLAHOMA.

Fiscal year ending June 30, 1920, amount appropriated-----	\$1,000
Fiscal year ended June 30, 1919:	
Amount appropriated-----	1,000
Amount expended-----	1,000
Analysis of expenditures:	
Care and education of pupils in mission school-----	1,000

EMPLOYEES, ETC., OKLAHOMA.

Fiscal year, ending June 30, 1920: Amount appropriated-----	\$500.00
Fiscal year, ending June 30, 1919:	
Amount appropriated-----	500.00
Amount expended-----	500.00
Analysis of expenditures:	
Salaries, wages, etc-----	341.34
Equipment and miscellaneous material-----	27.58
Outstanding liabilities-----	131.08
Total-----	500.00

This item is in the same amount as allowed heretofore and is required to enable the office to comply with article 3 of the treaty with the Quapaws, dated May 3, 1833 (7 Stats., 424), whereby the Government assumed the obligation to provide certain employees, tools, and materials, and funds for the education of children.

The fund, as the analysis of the expenditures shows, is used for the education of Indian children in mission schools and for the irregular employment of a blacksmith and the purchase of miscellaneous equipment and materials required in the operation of a blacksmith shop for the Quapaws.

The CHAIRMAN. Page 62, line 6.

That the Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, not to exceed the sum of \$45,000, or so much thereof as may be necessary, of the money on deposit to the credit of the Osage Tribe of Indians in Oklahoma, to be expended for the support, education, and systematic vocational instruction of Osage children: *Provided*, That the expenditure of said money shall include the renewal of the present contract with the St. Louis Mission Boarding School, except that there shall not be expended more than \$300 for annual support and education of any one pupil.

Mr. MERITT. We offer for the record the following justification:

Indian moneys, proceeds of labor, Osage School.

Fiscal year ending June 30, 1920, amount authorized-----	\$40,000.00
Fiscal year ended June 30, 1919:	
Amount authorized-----	50,000.00.
Amount expended-----	40,870.39
Unexpended balance-----	9,129.61
Analysis of expenditures:	
Salaries, wages, etc-----	21,869.50
Traveling expenses-----	148.14
Transportation of supplies-----	1.89
Telegraph and telephone service-----	47.70
Stationery, printing, schoolroom supplies-----	187.49
Subsistence supplies-----	4,412.94
Dry goods, clothing, etc-----	575.53
Forage-----	3,056.23
Fuel, lubricants, power and light service-----	544.76
Medical supplies, etc-----	84.42
Equipment and miscellaneous material-----	1,639.49
Repair of buildings-----	3,959.98
Care and education of pupils in mission school-----	867.69
Miscellaneous-----	221.66
Outstanding liabilities-----	3,252.97
Total-----	40,870.39

The act of June 28, 1906 (34 Stat. L., 539), provides for the continuance of the Osage boarding school for a period of 10 years from January 1, 1907, until January 1, 1917. By subsequent Indian appropriation acts, this period has been extended until June 30, 1920. The proposed legislation will enable the Indian Service to continue the Osage School in operation for the fiscal year 1921.

A report of children between the ages of 5 and 18 years, inclusive, among the Osages during the fiscal year 1920 shows 796. Some 603 of these are enrolled in public and other miscellaneous schools. There are 139 in Indian schools, of whom 127 are in Osage boarding school; this leaves 54 out of school, all of whom are reported incapacitated for school attendance. It is, of course, probable that not all the children shown in school have attended with entire regularity.

The CHAIRMAN. Why the \$5,000 extra?

Mr. MERITT. Because of the general increase in the cost of goods and supplies; that money comes out of the funds of the Osage Indians.

The CHAIRMAN. All right. The next item is page 62, line 17.

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, not to exceed the sum of \$65,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Osage Tribe of Indians in Oklahoma for the support of the Osage Agency and pay of tribal officers and employees of said agency.

Mr. MERITT. We offer for the record the following justification:

Indian moneys, proceeds of labor, Osage Agency.

Fiscal year ending June 30, 1920: Amount authorized-----	\$65,000.00
Fiscal year ended June 30, 1919:	
Amount authorized-----	60,000.00
Amount expended-----	60,000.00

Analysis of expenditures:

Salaries, wages, etc.....	\$36,444.11
Traveling expenses.....	2,053.23
Telegraph and telephone service.....	426.87
Stationery, printing, schoolroom supplies.....	360.86
Fuel, lubricants, power, and light service.....	1,576.97
Equipment and miscellaneous material.....	8,492.22
Repair of buildings.....	794.80
Rent of buildings.....	1,390.00
Miscellaneous.....	460.08
Outstanding liabilities.....	8,000.00

Total..... 60,000.00

This item is in the same amount as was authorized for the fiscal year 1920 and is used for the support of the Osage Agency and pay of tribal officers and employees of said agency. This does not involve an appropriation of public funds, but is merely an authorization of the amount in question from funds to the credit of the tribe for the support of the agency.

The work of the Osage Agency has increased enormously during recent years by reason of the large oil and gas operations on Indian lands. The leasing of lands, the collection of oil and gas royalties, and the necessary supervision over the funds of the incompetents entails work of no small proportions.

As the analysis shows the fund was used during 1919 for the pay of employees, traveling expenses, telephone tolls, fuel and illuminants, equipment, rent and repair of buildings, and miscellaneous expenses arising in the administration of the affairs of the Osage Indians.

The full amount estimated will be required for the support of the Osage Agency during 1921.

The CHAIRMAN. Is that the same amount as required last year?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Page 62, line 24:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, not to exceed \$45,000 of the funds on deposit to the credit of the Osage Tribe of Indians in Oklahoma and to pay out the same for necessary expenses in connection with oil and gas production on the Osage Reservation, including salaries of employees, rent of quarters for employees, traveling expenses, printing, telegraphing and telephoning, and purchase, repair, and operation of automobiles.

Mr. MERITT. We offer for the record the following justification:

Indian moneys, proceeds of labor, Osage, (oil and gas expenses).

Fiscal year ending June 30, 1920: Amount authorized..... \$35,000.00

Fiscal year ended June 30, 1919 (no specific amount authorized):

Amount expended..... 26,467.62

Analysis of expenditures:

Salaries, wages, etc.....	15,221.85
Traveling expenses.....	5,064.45
Transportation of supplies.....	10.78
Telegraph and telephone service.....	123.41
Stationery, printing, schoolroom supplies.....	782.21
Fuel, lubricants, power and light service.....	721.19
Equipment and miscellaneous material.....	2,488.10
Rent of buildings.....	1,410.00
Miscellaneous.....	119.00
Outstanding liabilities.....	526.63

Total..... 26,467.62

This estimate is an increase of \$10,000 over the amount appropriated for the fiscal year beginning July 1, 1919. The increased appropriation is necessary owing to the activity in leasing Osage lands for oil and gas mining purposes

and the increasing development and production which must be cared for in the interest of the Osage Indians.

On June 30, 1919, there were 124 wells being drilled, 4,442 producing oil wells, and 468 producing gas wells. During the fiscal year ended June 30, 1919, there was a gross production of 12,138,086 barrels of oil, and the Osage Tribe received a total revenue for the year from royalties on oil and gas and bonus for leases amounting to \$10,999,377.46. Practically all the reservation, covering 1,500,000 acres, has been sold for lease for gas, and about 400,000 acres have been sold for lease for oil.

In view of the increased activity in the oil development on that reservation, \$10,000 is absolutely necessary in order to properly supervise the oil developments.

The CHAIRMAN. What is it proposed to do with the additional \$10,000?

Mr. MERITT. To have a few additional inspectors in connection with the very large production of oil and gas in the Osage Nation. The Indians are very favorable to this appropriation. It comes out of their funds and the superintendent reports it is absolutely necessary in order to enable him to handle properly the increased production of oil and gas.

The CHAIRMAN. What would our friend from Oklahoma say about that item?

Mr. CARTER. He would be for that item.

The CHAIRMAN. I ask because he would be deeply interested in these matters. We have another item.

Mr. MERITT. Mr. Howard would be favorable to that item.

Mr. CARTER. This is for the development of that property.

The CHAIRMAN. I am perfectly agreeable to it.

Mr. MERITT. It may be interesting for the committee to know that the Osage Indians are the richest people per capita in the world. They have an income, each man, woman and child on the rolls of the Osage Nation, amounting approximately to \$4,000 per year. Therefore, some Indian families have incomes amounting to \$25,000 per year.

Mr. CARTER. We are just about to reach the item of the Five Civilized Tribes. In Oklahoma the items we have passed there are six gratuity items, five items from tribal funds, reimbursables, and two treaty items. The gratuity items amount to \$160,500; items paid from tribal funds, \$435,000; and treaty items, \$48,600, making a showing that these Indians in Oklahoma pay almost three-fourths of the expense of running their business, which is a larger proportion than is paid in any other State except Minnesota, I think.

The CHAIRMAN. That is a nice showing, Mr. Carter. The clerk will read the next item, page 63, line 24, the Five Civilized Tribes.

FIVE CIVILIZED TRIBES.

SEC. 19. For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, \$200,000: *Provided*. That a report shall be made to Congress by the Superintendent for the Five Civilized Tribes through the Secretary of the Interior, showing in detail the expenditure of all moneys appropriated by this provision: *Provided further*, That no part of said appropriation shall be used in forwarding the undisputed claims to be paid from individual moneys of restricted allottees, or their heirs, or in forwarding uncontested agricultural and mineral leases (excluding oil and gas leases) made by individual restricted Indian allottees, or their heirs, to the Secretary of the Interior for approval, but all such undisputed claims

or uncontested leases (except oil and gas leases) now required to be approved under existing law by the Secretary of the Interior shall hereafter be paid, approved, rejected, or disapproved by the Superintendent for the Five Civilized Tribes of Oklahoma: *Provided, however*, That any party aggrieved by any decision or order of the Superintendent for the Five Civilized Tribes of Oklahoma may appeal from the same to the Secretary of the Interior within 30 days from the date of said decision or order.

Mr. MERITT. We offer for the record the following justification:

Administration of affairs of Five Civilized Tribes, Oklahoma.

Fiscal year ending June 30, 1920: Amount appropriated.....	\$205,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated.....	185,000.00
Amount expended.....	184,958.22
Unexpended balance.....	41.78
Analysis of expenditures:	
Salaries, wages, etc.....	132,134.96
Traveling expenses.....	20,319.73
Transportation of supplies.....	154.12
Telegraph and telephone service.....	1,904.05
Stationery, printing, schoolroom supplies.....	5,703.27
Forage.....	971.41
Fuel, lubricants, power, and light service.....	35.50
Equipment and miscellaneous material.....	14,558.26
Rent of buildings.....	5,080.51
Miscellaneous.....	1,727.18
Outstanding liabilities.....	2,369.23
Total.....	184,958.22

Last year's appropriation for 1920 (section 18 of the act of June 30, 1919), was \$205,000, which amount the superintendent requests be appropriated again for 1921.

An appropriation of \$185,000 was made by previous acts of March 2, 1917, and May 25, 1918.

In this amount of \$205,000 is included items for:

	1921	1920
Salaries and wages.....	\$155,000	\$151,119.29
Traveling expenses of employees.....	26,500	22,708.01
Rents, various field offices.....	5,500	4,146.27
Purchases and sundry expenses.....	18,000	7,026.43
Total.....	205,000	185,000.00

Salary allowances to clerks include a yearly bonus of \$240 allowed Government clerks.

Traveling expenses, both railroad and hotel, and rents of office buildings for field clerks and the costs of almost every sort of equipment and supplies to the office have advanced very materially, and the limit has not yet been reached. During the past year, in order to prevent a deficit in salary appropriation, it became necessary to discharge all temporary employees, and had not emergency funds been made available by act of Congress it would have been necessary to furlough all regular employees for several days.

About 250 employees are connected with the office of the superintendent for the Five Civilized Tribes, Muskogee, Okla.

The five civilized tribes cover 40 counties in Oklahoma, an area of 19,526,000 acres, an area nearly as large as the State of Maine, with an enrollment of 101,506 members.

There have been allotted to members 15,794,098 acres of land. Of these allotted lands there have been sold 3,578,935 acres, leaving unsold 6,454 acres, which does not include 105,651 acres reserved for town sites, coal, and asphalt segregation. The unsold tribal property in the Choctaw and Chickasaw Nations amounts to \$17,689,720.

The coal and asphalt deposits, containing 441,197 acres, valued at over \$14,538,000, have been twice offered for sale at public auction to the highest bidder, and only 54 tracts, containing 42,103 acres (leaving 463 tracts, containing 399,004 acres, unsold, appraised at \$13,198,901.56) of the coal and asphalt deposits have been sold and approved, while the sale of the reserved surface was disapproved because sold at 1912 appraisement, and will have to be reappraised, if authorized by Congress, at its present market value.

The superintendent handled during the year 1919 387,967 incoming items of mail, and 814,722 outgoing pieces of mail, 175,000 advertisements of unallotted coal and asphalt land sales aggregating over 1,000,000 items.

Eighteen field clerks at different headquarters in the 40 counties in South-eastern Oklahoma, formerly Indian territory, handled for the individual Indians \$1,110,618.53, under their supervision of which 163 houses, 67 barns were built, 94 wells dug, 184 horses, 253 mules, 306 cattle, 499 hogs, 227 wagons, 20 automobiles, and many other miscellaneous items were purchased for the Indians.

From individual Indian funds the superintendent purchased \$10,264,000 worth of Liberty loan bonds, and the Liberty loan bonds have been placed on deposit with the Treasurer of the United States for safe-keeping for the individual Indians. Four thousand Indians of the Five Civilized Tribes entered the United States Army and served in the World War and received distinction. War saving stamps to the value of \$832,769.20 have been purchased for individual Indians.

To the individual Indians from land sales, equalizations, and restricted per capita payments and royalties was paid a total amount through the field clerks of \$7,812,331.44, an increase of \$3,000,000 over the total for last year.

The per capita payments and collection of installments due on the purchase of tribal and allotted lands requires a great deal of detailed work in carrying numerous accounts, issuing checks, and acknowledging receipts of checks.

There are 10,288 open accounts in the royalty or leasing division alone requiring a great deal of detailed bookkeeping. The coal producing leases also require considerable accounting work.

The per capita payment of \$100 to each member of the Choctaw and Chickasaw tribes is anticipated for the coming year. Over \$6,675,000 per capita payments were made last year, which requires a great deal of work in determining heirships, and the whereabouts of the Indian, and great care is required to see that each individual Indian receives his per capita for his own use. Over \$5,966,000 of individual Indian moneys are on deposit in 142 national and 32 State banks in Oklahoma.

The CHAIRMAN. Is there anything new in the justification?

Mr. MERITT. No, sir.

The CHAIRMAN. That is a \$5,000 reduction. If there are no comments I will ask the same question here that I did on those two other items. Is the bureau able, with this appropriation \$5,000 less than last year, in view of the great increase in cost of everything, to give this an efficient and competent service and management without an increase in the amount?

Mr. MERITT. The superintendent has requested \$205,000 for the administrative work of the Five Civilized Tribes, but in view of the fact that the tribal work of the Five Civilized Tribes is being gradually reduced and inasmuch as a number of the Indians of the Five Civilized Tribes are having their restrictions removed, we feel that there should be, at least, a small decrease in this appropriation.

Mr. CARTER. Mr. Meritt, practically all of this money is used, is it not, for the supervision of the individual Indian?

Mr. MERITT. Yes, sir.

Mr. CARTER. That part for the disposal of the tribal property and care of that is cared for by tribal funds, is it not?

Mr. MERITT. Yes, sir.

Mr. CARTER. And that is in accordance with the treaty provisions, is it not?

Mr. MERITT. Yes, sir. In connection with this item, there has been for several years, Mr. Chairman, an effort made to strike out the words "excluding oil and gas leases." We hope that will not be renewed at this Congress and that the item will be carried in the bill as has been the practice heretofore.

The CHAIRMAN. I think that will be renewed.

Mr. MERITT. The Secretary of the Interior and the Commissioner of Indian Affairs are vigorously opposed to that language being omitted.

Mr. CARTER. You are wrong about that view.

The CHAIRMAN. What would happen if these words were stricken out? You said they were unalterably or vigorously opposed to their being omitted. Tell us why?

Mr. MERITT. If the language excluding oil and gas leases were omitted from this bill, the oil and gas leases would not come to the Secretary of the Interior and the Commissioner of Indian Affairs for their consideration and approval, and in view of the fact that there are very large money interests involved the Secretary of the Interior and the Commissioner of Indian Affairs feel that they should be permitted to supervise this work inasmuch as they are held responsible under the law for the general supervision of Indian affairs.

The CHAIRMAN. But if that language was stricken from the bill, then the final passing upon these leases would be done by the bureau in Oklahoma.

Mr. MERITT. Yes, sir.

The CHAIRMAN. And would not have to come on here to Washington?

Mr. MERITT. No, sir.

The CHAIRMAN. Would not that relieve them from any responsibility with regard to those leases? If the right to finally negotiate those leases were taken away from them, where would there be responsibility upon them for making of leases? I am asking for information.

Mr. MERITT. The Secretary of the Interior and the Commissioner of Indian Affairs are, under the general laws enacted by Congress, responsible for the general administration of Indian affairs, and even though this language that I have referred to should be omitted, the public at large would hold these officials responsible.

The CHAIRMAN. They could not hold them responsible if Congress takes the responsibility off of them. Then Congress and the Muskogee office would be responsible.

Mr. MERITT. Another thing, there is now no delay in the handling of oil and gas leases. They are sent here and approved and gotten back to the agency office within 10 days on an average.

The CHAIRMAN. But there was considerable complaint about delay and this agitation began.

Mr. MERITT. That was several years ago, but Superintendent Parker admitted himself in the record before the Senate committee

that we were then getting those leases back to him within a period of 10 days from the time they left the Muskogee office.

Mr. CARTER. That was two years ago.

Mr. MERITT. Yes, sir.

Mr. CARTER. This agitation began about four years ago.

The CHAIRMAN. We understand the Secretary of the Interior and the Commissioner of Indian Affairs are opposed to the omission of the legislation you mention?

Mr. MERITT. Yes, sir.

The CHAIRMAN. They are opposed to having their right curtailed for final action on the oil and gas leases?

Mr. MERITT. The Secretary of the Interior and the Commissioner of Indian Affairs want the oil and gas leases from the Five Civilized Tribes transmitted to them for consideration and approval.

Mr. RHODES. In other words, they want existing authority retained in the law.

The CHAIRMAN. In every Congress there has been a fight to take it away from them.

Mr. CARTER. The compromise was finally made and is in there now.

The CHAIRMAN. The next item is page 66, line 6:

That the Secretary of the Interior be, and he is hereby, authorized to pay to the enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury, or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, not to exceed \$100 per capita, said payment to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided further*, That the money paid to the enrolled members or their heirs, as provided herein, shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act: *Provided further*, That the Secretary of the Interior is hereby authorized to use not to exceed \$8,000 out of the Choctaw and Chickasaw tribal funds for the expenses and the compensation of all necessary employees for the distribution of the said per capita payments.

Mr. MERITT. We offer for the record the following justification:

PER CAPITA PAYMENT TO CHOCTAWS AND CHICKASAWS, OKLAHOMA.

For the purpose of further carrying out the Atoka agreement with the Choctaw and Chickasaw Tribes (act of Congress of June 28, 1898, 30 Stat. L., 495, 512, 513) and the supplemental agreement with said Indian tribes (act of Congress of July 1, 1902, 32 Stat. L., 641, 654), it is recommended that an appropriation be made out of the Choctaw and Chickasaw tribal funds for a per capita payment of not exceeding \$100 to each of the enrolled members of said tribes entitled to share in said tribal funds, or to the heirs of the deceased enrolled members; and that it be provided that such payment shall be made under rules and regulations to be prescribed by the Secretary of the Interior; and that in cases where the enrolled members of said Indian tribes or their heirs are Indians who, by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians. These payments would be made from the tribal funds belonging to the Choctaw and Chickasaw Nations and would not be a tax on the Federal Treasury.

A \$100 per capita payment to the 20,799 enrolled members of the Choctaw Nation entitled to share in the tribal funds will aggregate \$2,079,900. A per capita payment to the 6,304 enrolled members of the Chickasaw Nation entitled to share in the tribal funds will aggregate \$630,400, a total for both tribes of \$2,710,300.

Mr. CARTER. How much money have the Choctaws on hand at this time?

Mr. MERITT. Our records show that the Five Civilized Tribes had to their credit in the Treasury June 30, 1919, \$5,558,819. This is not segregated in our report.

Mr. CARTER. Can you give us any information about how much the Choctaws have?

Mr. MERITT. I will insert that in the record.

Mr. CARTER. Have the amount due the Chickasaws also put in the record.

Mr. MERITT. Yes, sir.

Mr. CARTER. If they have not enough funds on hand now, then funds will probably accrue in the Treasury from the sales of property and extended payments in time to make per capita payments?

Mr. MERITT. Yes, sir.

The information requested is as follows:

Tribal funds in United States Treasury and Oklahoma banks as shown by Indian Office ledgers under date of December 13, 1919.

CHOCTAW NATION.

Indian moneys, proceeds of labor:	
Choctaw unallotted lands-----	\$488, 213. 64
Choctaw royalties, grazing, etc-----	329, 096. 09
Choctaw town lots-----	507. 57
Interest on Choctaw 3 per cent fund-----	43. 85
Interest on Choctaw money on deposit in banks-----	6, 000. 88
<hr/>	
Total in United States Treasury-----	823, 862. 03
Balance in Oklahoma banks (principal and interest)-----	2, 593, 634. 77
<hr/>	
Grand total-----	3, 417, 496. 80

CHICKASAW NATION.

Interest on Chickasaw national fund-----		\$58. 34
Indian moneys, proceeds of labor:		
Chickasaw unallotted lands-----		203, 842. 83
Chickasaw town lots-----		130. 25
Interest on Chickasaw money on deposit in banks-----		1, 978. 69
<hr/>		
Total in United States Treasury-----		206, 010. 11
Balance in Oklahoma banks (principal and interest)-----		832, 399. 12
<hr/>		
Grand total-----		1, 038, 409. 23

Mr. CARTER. It has been suggested that I ask for the record from what source these Choctaw and Chickasaw funds come?

Mr. MERITT. They come from the coal royalties and from the sale of tribal lands, and also from the sale of coal deposits.

Mr. CARTER. All belonging to the Choctaw and Chickasaw Indians?

Mr. MERITT. Yes, sir.

Mr. CARTER. And in which the Government of the United States is not interested?

Mr. MERITT. Not a dollar of this money comes out of the Public Treasury.

The CHAIRMAN. What is your estimate of the length of time that income will continue?

Mr. MERITT. That income will not continue very much longer to the degree that they have been receiving money heretofore, because practically all of the surplus land has been sold and they are now getting deferred payments on the surplus lands. They, however, have very valuable property in the form of segregated coal deposits, and it is estimated that that property is worth anywhere from \$15,000,000 to \$20,000,000.

The CHAIRMAN. The income from that will be coming in?

Mr. MERITT. The coal royalties amount approximately to a quarter of a million dollars annually.

Mr. CARTER. And now we have on the statute books an act for the sale of these lands, the department is undertaking to sell them?

Mr. MERITT. Yes, sir.

Mr. CARTER. While we are on that subject you recall that this bill which was passed for the sale of coal deposits had the full sanction of the Indian Bureau and the Secretary of the Interior. Two sales have already been undertaken, and very little of it has been sold. The third sale is to come within six months. I assume that your bureau and the Interior Department looked carefully into that to see that the Indians were properly safeguarded under all three of these sales.

Mr. MERITT. We endeavored to safeguard the Indians in those sales, and I think additional legislation will be required, Mr. Carter, in view of the experience we have had in connection with these sales.

Mr. CARTER. Why do you think so? Let us have that in the record.

Mr. MERITT. For example, certain coal operators have endeavored to purchase the surplus surface lands without buying the coal deposits.

Mr. CARTER. Tell the committee just what you think that means, if anything.

Mr. MERITT. Also they have endeavored to purchase that surface at an appraisement made in 1912. The tribal officials of the Choctaw and Chickasaw Nations believe that the surface should not be sold at the appraisement of 1912 for the reason that the value of the land has increased to the extent of between \$300,000 and \$400,000. Also, it is believed that the coal operators should not be permitted to buy the surface and not buy the coal, because that would give them an undue advantage in buying these very valuable coal deposits.

Mr. CARTER. Let me ask you further: What proportion of these deposits have been sold under these two sales?

Mr. MERITT. Only a very small part has been sold.

Mr. CARTER. To what do you attribute that, if anything? Why has not more been sold?

Mr. MERITT. Probably the appraised value and the disturbed conditions.

Mr. CARTER. Have you heard any charges of collusion among the operators as to not buying at the appraised value?

Mr. MERITT. There has been more or less talk about this matter to the extent that probably the coal operators were deferring buying this coal at these sales so that they could at a later sale get the property at a very much reduced price.

Mr. CARTER. Have there been any direct charges brought to your attention that there was collusion among the coal lessees to try to buy the lands for a great deal less than they should?

Mr. MERITT. No, sir.

Mr. CARTER. Under this last sale as proposed by the bill that we discussed, these lands can be bought without reference to the appraised value heretofore fixed?

Mr. MERITT. Yes, sir.

Mr. CARTER. But it gives the Secretary of the Interior the right to fix a value upon them, does it not?

Mr. MERITT. Yes, sir.

Mr. CARTER. Do you not think that right being vested in the Secretary, that the Secretary still has full authority to protect the Indians in this final sale as it is called in the bill?

Mr. MERITT. I think the Secretary of the Interior can prevent the sale of the land at an inadequate price. So far as I am concerned that certainly will be my recommendation in the matter.

Mr. CARTER. You think he has full power under law to prevent the lands being sold at an inadequate price without additional legislation?

Mr. MERITT. That is the general impression but it may be necessary to secure additional legislation. In the last 10 days I have discussed this matter with Mr. Turnbull, who is the national attorney for the Choctaw Indians, and have asked him to confer with other officials of the Choctaw and Chickasaw Nations, with a view of submitting any suggestions they may have to make in regard to this matter so that the interests of those Indians can be protected.

Mr. CARTER. The law as I recall it, Mr. Meritt, gives the Secretary authority to make a final sale upon a price to be fixed by him.

Mr. MERITT. I think so.

Mr. CARTER. That appears to be so.

The CHAIRMAN. Yes.

Mr. CARTER. Now, I want to ask you one other thing about these coal sales—we are selling the coal deposits—that we are speaking of, are to take place within six months from the sale just made; is that not true?

Mr. MERITT. That is my recollection.

Mr. CARTER. Which would make it come some time in May, the other being in November.

Mr. MERITT. Yes, sir.

The CHAIRMAN. Page 67, line 18:

For salaries and expenses of such attorneys and other employees as the Secretary of the Interior may, in his discretion, deem necessary in probate matters affecting restricted allottees or their heirs in the Five Civilized Tribes and in the several tribes of the Quapaw Agency, and for the costs and other necessary expenses incident to suits instituted or conducted by such attorneys, \$75,000.

Mr. MERITT. We offer for the record the following justification:

PROBATE ATTORNEYS, FIVE CIVILIZED TRIBES, OKLAHOMA.

Fiscal year ending June 30, 1920: Amount appropriated-----	\$85,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	85,000.00
Amount expended-----	84,593.27
Unexpended balance -----	406.73

Analysis of expenditures:

Salary, wages, etc	\$71, 443. 91
Traveling expenses	5, 542. 69
Transportation of supplies	37. 03
Telegraph and telephone service	962. 18
Stationery, printing, schoolroom supplies	184. 49
Fuel, lubricants, power and light service	42. 23
Equipment and miscellaneous material	975. 71
Rent of buildings	3, 782. 49
Miscellaneous	606. 15
Outstanding liabilities	1, 016. 39
Total	84, 593. 27

In previous reports to Congress the origin and scope of the jurisdiction of the courts of Oklahoma over Indians who are wards of the National Government has been fully set forth and explained, except as to the provisions of the act of Congress approved June 14, 1918 (40 Stats., 606), hereinafter referred to.

Owing to the allotment of tribal lands and moneys to minors and other legal incompetents, the policy was adopted by Congress, in the laws referred to above, of authorizing a dual jurisdiction over their affairs by virtue of which both National and State officers are expected to cooperate for their protection.

To effectuate this policy on the part of the Government, a corps of 20 probate attorneys is maintained in the 40 counties comprising the eastern half of the State of Oklahoma, formerly known as the Indian Territory. The work is apportioned among these attorneys so as to give each of them several hundred cases to take care of. These cases include many large estates, and the property involved runs up into the millions. The duties of the probate attorneys are too numerous to mention in detail, but may be summed up in the general statement that they are required in each case to take whatever action that may be necessary, in the courts or otherwise, to protect and safeguard the many interests of their Indian clients.

While the removal of restrictions has operated to some extent to diminish the work of the probate attorneys with respect to Indians who have received allotments in their own right, it has not operated to reduce the probate work as a whole to the extent that might be supposed. This is due to the fact that many of the members of these tribes have died, leaving heirs numbering several times over the number of original allottees. The death rate among the Indians has probably been greater than that among the whites, and it is easy to see that out of an Indian population of over 100,000 there may be as high as 20 deaths per year for each 1,000, or an annual death rate of 2,000 persons.

In this connection attention is invited to the act of June 14, 1918, referred to in the first paragraph above. By this act the county courts of Oklahoma were given jurisdiction to determine the heirs of restricted Indians. The act also made the laws of partition of the State of Oklahoma applicable to the estates of such Indians. The Secretary of the Interior consented to this legislation under an agreement that the Oklahoma delegation would cooperate in securing an additional probate rule requiring notice to be given in all such cases to the proper probate attorney. Pursuant to this arrangement, the matter was taken up with the Supreme Court of the State of Oklahoma and the additional rule which the Secretary desired was promulgated. This rule has had the effect of adding very materially to the duties of the probate attorneys, and the fact should be borne in mind that as the number of deaths increase among the restricted Indians the number of estates will be increased accordingly, and hence the volume of work will probably be maintained up to a high standard.

MR. MERITT. You will notice that this is a reduction of \$10,000.

THE CHAIRMAN. This is the item that we have covered into the hearings that is by reason of the graduated scale for this work.

MR. CARTER. I can tell the history of this item in a few words.

THE CHAIRMAN. I wish you would.

MR. CARTER. By the act of May 27, 1908, it was provided that we should carry each year an amount of \$50,000 for what was called in the bill district agents, whose duties should be to act in probate mat-

ters with all restricted Indians of the Five Civilized Tribes, and to look after the welfare, principally of minors. After several years of operation in conducting the business under those conditions, these district agents got into very violent disagreement with the county judges in Oklahoma. There were none of them lawyers, and the county judges objected to their coming into their courts because they did not know the rules of procedure or anything else, and claimed that they delayed procedure and interfered with it, and quite a controversy arose and several investigations were made in connection with the matter. Out of that grew the proposition to do away with the so-called district agents and to appoint probate attorneys who could really represent the Indians in the courts in the adjudication and probating of estates of deceased Indians, and in looking generally after the welfare of the Indians, and an item was placed in the bill recommended by the department of \$75,000. Upon the request of Mr. Clarence Miller it was increased by \$10,000 and has been carried until this year at \$85,000, and now it is cut to \$75,000.

Mr. RHODES. Mr. Chairman, you recall that that is one of the questions I raised on the original hearings and stated at the time that it was not clear to me why this extra service should be rendered when in truth and in fact in every county in the State of Oklahoma they have their probate courts which are courts of record. In those courts the estates of these Indians are determined, and to my mind it was an unnecessary expense and meant the employment of unnecessary officials, and possibly would result in a duplication of work and result in a hindrance rather than a help. I would like to ask Mr. Carter this question, if this work contemplated by these probate attorneys is not such a belated matter that the same service could be rendered by the representatives of the Government under this heirship determination question that we were discussing yesterday or day before. They appear to be two distinct matters, but both have to do with estates. The first step in the administration of an estate is the determination of the heirs, and after that particular service we are called upon to make a particular appropriation.

Mr. CARTER. You understand, Mr. Rhodes, that the State of Oklahoma has full jurisdiction for the determination of heirs, partition, and the settlement of probate matters.

Mr. RHODES. Just as any other State.

Mr. CARTER. Just as any other State, but no other State has that jurisdiction in Indian matters as a rule, because the department is authorized to determine matters for all Indians other than the estates of the Five Civilized Tribes. Now, the State of Oklahoma not only does all the other probate business, but it also determines heirs.

Mr. RHODES. And that same set of officers could render both services.

Mr. CARTER. Well, they might do it, but in the case of other Indians those officers that we provide for have the right of determination of heirship. The Government undertakes to do that itself in the State of Oklahoma, in the probate courts, and takes out of the State itself the pay for probating the estate, including the determination of heirs. Now, the only thing that these fellows do here, Mr. Rhodes, is they are a kind of next friend to the Indian in the courts. They

just appear to see more that the county attorney and other officials do their duty toward the Indian. That is about all of the service.

Mr. RHODES. Amicus curiae?

Mr. CARTER. Yes.

The CHAIRMAN. You have got to explain that to me [laughter] or I am going to object to the item.

Mr. CARTER. That is Choctaw.

Mr. RHODES. Mr. Carter has explained it when he said they were friends of the court.

The CHAIRMAN. All right; if there is no objection we will accept the \$10,000 reduction.

Page 68, line 1:

For the support, continuance, and maintenance of the Cherokee Orphan Training School, near Talequah, Okla., for the orphan Indian children of the State of Oklahoma belonging to the restricted class, to be conducted as an industrial school under the direction of the Secretary of the Interior, \$37,500; for repairs and improvements, \$8,000; for school building and assembly hall, \$25,000; for new tank and tower, \$1,000; in all, \$71,500.

Mr. MERITT. We offer for the record the following justification:

Cherokee Orphan Training School, Five Civilized Tribes, Oklahoma.

Fiscal year ending June 30, 1920: Amount appropriated----- \$35,000.00

Fiscal year ended June 30, 1919:

Amount appropriated----- 31,500.00

Amount expended----- 31,058.49

Unexpended balance----- 441.51

Analysis of expenditures:

Salaries, wages, etc.----- 9,375.57

Traveling expenses----- 100.40

Transportation of supplies----- 28.61

Telegraph and telephone service----- 46.10

Stationery, printing, and schoolroom supplies----- 262.22

Subsistence supplies----- 7,252.00

Dry goods, clothing, etc.----- 4,021.60

Forage----- 671.92

Fuel, lubricants, power and light service----- 1,529.40

Medical supplies, etc----- 136.94

Live stock----- 125.00

Equipment and miscellaneous material----- 3,165.35

Miscellaneous----- 523.47

Outstanding liabilities----- 3,819.91

Total----- 31,058.49

REPAIRS AND IMPROVEMENTS.

Fiscal year ending June 30, 1920:

Amount appropriated----- \$8,000.00

Fiscal year ended June 30, 1919:

Amount appropriated----- 4,500.00

Amount expended----- 2,588.87

Unexpended balance----- 1,911.13

Analysis of expenditures:

Transportation of supplies----- 184.97

Telegraph and telephone service----- 1.09

Analysis of expenditures—Continued.

Construction of buildings	\$813.57
Repair of buildings	1,321.48
Outstanding liabilities	267.76
Total	2,588.87

STATISTICAL STATEMENT FOR YEAR ENDED JUNE 30, 1919.

Value of school plant (real property)	\$53,194
Number of buildings	20
Number of employees	16
Total salaries	\$10,590
Average attendance of pupils	83
Average enrollment	129
Capacity	160
Cost per capita based on enrollment	\$113
Cost per capita based on average attendance	\$296
Area of school land (acres)	180
Area of school land (acres cultivated)	87
Value of agricultural products	\$1,698
Value of other school products	\$305
Indian money, proceeds of labor (school earnings) expended	\$233

SUPERINTENDENT'S ESTIMATE OF ABSOLUTE NEEDS FOR 1920.

Support	\$40,500
Repairs and improvements	8,000
New buildings	53,000
Total	101,500

REQUESTED IN PROPOSED BILL FOR 1921.

Support and education of 160 Indian pupils at the Indian school, and superintendent's salary	\$37,500
Repairs and improvements	8,000
New buildings	25,000
Total	71,500

POSITIONS AND SALARIES, 1919.

Superintendent	\$1,500	Seamstress	\$480
Clerk	900	Laundress	480
Physician (contract)	600	Cook	600
Principal teacher	765	Nurse	450
Intermediate teacher	585	Farmer	720
Primary teacher	585	Laborer	540
Manual-training teacher	900	Night watchman	480
Matron	600		
Boys' matron	405	Total	10,590

This is a school for orphan Indian children of the restricted class in the State of Oklahoma, and there are far more applications for enrollment than the school can accommodate.

The amount requested for general repairs and improvements is the same as that allowed in previous years.

The present school building was constructed when the capacity of the school was about 60. The dormitory capacity has since been increased to 160 with no corresponding change in the schoolroom facilities. It is planned to erect a school building with five classrooms and an assembly hall.

The present tank and tower were purchased when the needs for water were much less, and with the increase in capacity a great deal more water is needed, and a larger tank and tower must be provided.

The CHAIRMAN. I note however that the average attendance at this school is 83 and the capacity is 160.

Mr. CARTER. I do not know whether Mr. Meritt called attention to the fact that the capacity, I think, has been increased very recently, has it not, Mr. Meritt?

Mr. MERITT. There have been improvements made at the school in recent years and the capacity is now larger than it was three or four years ago.

Mr. CARTER. What was your capacity there in previous years, do you have any way of telling, Mr. Meritt?

The CHAIRMAN. I should be opposed to increasing the buildings until there was some showing that the capacity at present could more nearly be filled up. We will pass this item for the present on account of Mr. Hastings's absence, and the clerk will read line 9.

The sum of \$200,000, to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations and the Quapaw Agency in Oklahoma, during the fiscal year ending June 30, 1920: *Provided*, That this appropriation shall not be subject to the limitation in section 1 of the act of May 25, 1918 (40 Stats., 564), limiting the expenditure of money to educate children of less than one-fourth Indian blood.

Mr. MERITT. We offer for the record the following justification:

Indian schools, Five Civilized Tribes.

Fiscal year ending June 30, 1920:

Amount appropriated.....	\$225, 000. 00
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Fiscal year ended June 30, 1919:

Amount appropriated.....	250, 000. 00
Amount expended.....	194, 515. 36

Unexpended balance.....	55, 484. 64
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Analysis of expenditures:

Salaries, wages, etc.....	9, 001. 67
Traveling expenses.....	971. 65
Transportation of supplies.....	53. 20
Telegraph and telephone service.....	181. 59
Stationery, printing, schoolroom supplies.....	80. 90
Equipment and miscellaneous material.....	4. 00
Aid of common schools.....	178, 020. 24
Miscellaneous.....	8. 00
Outstanding liabilities.....	6, 194. 11

Total.....	194, 515. 36
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This item is \$25,000 less than the appropriation in the 1920 act, and is designed to give assistance to the district public schools in eastern Oklahoma which are deprived of school revenue by reason of the decision of the Supreme Court, holding Indian allotments within the school districts to be nontaxable. Many of the school districts contain a large amount of such nontaxable Indian land, often more than one-half of the total area of the district, and such districts are frequently financially unable to maintain district schools.

The total number of eligible Indian children in the Five Civilized Tribes is 25,633, not including Freedmen. Of these, there are enrolled in the public schools about 16,896; in Government schools about 2,104; in contract schools 556, making a total enrollment of 19,556. The number of children shown in the various schools during 1918 is somewhat less than the number during 1919, partly due to the fact that some districts have not submitted reports and also to the epidemic of influenza which closed some schools, and many of these were not reopened during the year.

The plan for distribution of this fund during the fiscal year, 1920, is the same as that followed in 1919.

The CHAIRMAN. It is understood that the reduction in there is brought about by the reduction of the number of schools that you intend to operate in that territory?

Mr. MERITT. No, sir. There was an understanding among the Members of the House and Senate Indian Committees that this appropriation should be reduced \$25,000 a year until the appropriation is eliminated. This appropriation is made to supplement funds for school purposes in the Five Civilized Tribes. It will be recalled that a very large acreage of land has been allotted to the members of the Five Civilized Tribes and there were several million acres of that land not subject to taxation. Therefore it was necessary for Congress to render some aid to the public schools within the Five Civilized Tribes, inasmuch as these restricted Indians were being educated at those schools.

The CHAIRMAN. I do not remember that agreement.

Mr. CARTER. I think I can recall it to your attention. This amount was carried in the Indian appropriation bill right along even before Oklahoma became a State. After she became a State it was continued for the first year, and during the first year after Statehood an Oklahoma delegation came to Congress and there was passed an act removing restrictions on about half of the Indians of the Five Civilized Tribes and making the lands upon which restrictions were removed taxable.

When that was done the appropriation was cut in half. It was originally \$300,000. It was reduced to \$150,000 on the ground that one-half of the lands being made taxable, one-half of the cost of carrying the appropriation had been eliminated. Then in about a year or so after that a decision was made by the United States Supreme Court holding that the nontaxable provision in the agreement of 1898 and 1902 had created a vested right to the Indians in the lands, and that the lands could not therefore be taxed except in accordance with the agreement. When that was done the \$300,000 item was reduced. Then the Indians began to sell their lands, and as they began to sell them, why then the lands did come on the tax rolls, and I proposed in conference—which you will remember a year or so ago—that we reduce that amount from \$300,000 to \$275,000, and that each year we reduce it \$25,000 until entirely eliminated.

The CHAIRMAN. I do not remember it, but I am glad to have that information.

Mr. CARTER. We hope enough lands will come on the tax rolls to keep the schools going.

The CHAIRMAN. All right, we will O. K. that.

Line 19:

That the Secretary of the Interior be, and he is hereby, authorized to use not exceeding \$10,000 of the proceeds of sales of unallotted lands and other tribal property belonging to any of the Five Civilized Tribes for payment of salaries of employees and other expenses of advertising and sale in connection with the further sales of such tribal lands and property, including the advertising and sale of the land within the segregated coal and asphalt area of the Choctaw and Chickasaw Nations, or of the surface thereof, as provided for in the act approved February 19, 1912, entitled "An act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes" (37 Stat. L. p. 67), and of the improvements thereon, which is hereby expressly authorized, and for other

work necessary to a final settlement of the affairs of the Five Civilized Tribes: *Provided*, That not to exceed \$2,500 of such amount may be used in connection with the collection of rents of unallotted lands and tribal buildings: *Provided further*, That during the fiscal year ending June 30, 1921, no money shall be expended from tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress, except as follows: Equalization of allotments, per capita and other payments authorized by law to individual members of the respective tribes, tribal and other Indian schools for the current fiscal year under existing law, salaries, and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes for the current fiscal year at salaries at the rate heretofore paid, and one attorney each for the Choctaw, Chickasaw, and Creek Tribes employed under contract, approved by the President, under existing law, for the current fiscal year: *Provided further*, That the Secretary of the Interior is hereby authorized to continue during the ensuing fiscal year the tribal and other schools among the Choctaw, Chickasaw, Creek, and Seminole Tribes from the tribal funds of those nations, within his discretion and under such rules and regulations as he may prescribe: *And provided further*, That the Secretary of the Interior is hereby empowered, during the fiscal year ending June 30, 1921, to expend funds of the Choctaw, Chickasaw, Creek, and Seminole Nations available for school purposes under existing law for such repairs, improvement, or new buildings as he may deem essential for the proper conduct of the several schools of said tribes.

Mr. MERITT. We offer the following justification:

SALE OF UNALLOTTED LANDS OF THE FIVE CIVILIZED TRIBES.

The superintendent asks for an appropriation of \$25,000; \$30,000 was allowed for 1920.

The superintendent has estimated there are 57,000 acres of unallotted undisposed of lands, as follows:

Six thousand acres of timber land of Choctaw Nation.

Five thousand five hundred acres of the surface of the coal and asphalt land of the Choctaw and Chickasaw Nations.

Forty-five thousand five hundred acres of unallotted Choctaw and Chickasaw and Seminole lands, including 595 delinquent tracts.

This estimate does not include the reappraisement and reoffering for sale of the unsold surface of the coal and asphalt area of 35,000 acres.

Mr. CARTER. Can you tell us how much money has been used since this item was first carried in the bill?

Mr. MERITT. We would have to get those figures from the office of the superintendent at Muskogee, which would probably take some little time.

The CHAIRMAN. Now, Mr. Carter, all the tribal property is sold, is it not, except the coal and asphalt deposits?

Mr. MERITT. There are about 6,000 acres of timberland of the Choctaws and 5,500 acres of coal and asphalt land in the Choctaw and Chickasaw Nations.

Mr. CARTER. That has been sold, the 5,500 acres. Here is the situation, Mr. Meritt: To begin with, you had to sell the unallotted lands, the segregated timberlands, and the segregated mineral lands, surface and mineral. Now, you have disposed of all the unallotted lands, you have disposed of practically all of the segregated timberland. You have disposed of most of the surface of the segregated mineral lands; you have now for sale only the minerals, and the act providing for the sale of the minerals carries an appropriation for its sale, so there could not be much necessity for the continuation of this appropriation in this amount anyway.

The CHAIRMAN. I think we ought, on that statement, to cut that to \$5,000.

Mr. MERITT. Mr. Chairman, we need money for this work, for the reason that a large number of the tracts of land have been sold on deferred payments, and we are gradually collecting that money, and it requires the service of a number of clerks to carry on the correspondence in connection with these sales and the collection of the principal and interest. We could, perhaps, reduce that to \$7,500.

The CHAIRMAN. All right, let us get that much then. Reduce the item in line 20, \$10,000 to \$7,500, page 68.

Mr. CARTER. Now, Mr. Chairman, let me make a little suggestion right here. Here is an item that we carry every year in the bill.

The CHAIRMAN. What page?

Mr. CARTER. This item under discussion, page 69, beginning line 13, "that during the fiscal year ending June 30, 1921, no money shall be expended from tribal funds belonging to the Five Civilized Tribes," etc. That really ought to be made permanent law and not read "during the fiscal year." We ought to say "hereafter," and that would avoid carrying it in the bill every year and having this language to print. That would be the only purpose.

The CHAIRMAN. Line 13, page 69, strike out the words "during the fiscal year" and insert the word "hereafter." You have no objection to that, Mr. Meritt?

Mr. MERITT. No, sir.

The CHAIRMAN. All right.

Mr. CARTER. "During the fiscal year ending June 30, 1921," strike it all out and say "hereafter."

The CHAIRMAN. Line 14, page 70.

Mr. MERITT. That is the treaty item, Mr. Chairman.

The CHAIRMAN. No need of reading that.

For fulfilling treaties with Choctaws, Oklahoma: For permanent annuity (article 2, treaty of November 16, 1805, and article 13, treaty of June 22, 1855), \$3,000; for permanent annuity for support of light horsemen (article 13, treaty of October 18, 1820, and article 13, treaty of June 22, 1855), \$600; for permanent annuity for support of blacksmith (article 6, treaty of October 18, 1820, and article 9, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), \$600; for permanent annuity for education (article 2, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), \$6,000; for permanent annuity for iron and steel (article 9, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), \$320; in all, \$10,520.

Mr. MERITT. We offer for the record the following justification:

FULFILLING TREATIES WITH CHOCTAWS, OKLAHOMA.

Fiscal year ending June 30, 1920:

Amount appropriated	\$10, 500
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Fiscal year ended June 30, 1918:

Unexpended balance from prior years	58, 353
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Amount appropriated	10, 520
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Amount expended	68, 873
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Analysis of expenditures:

Per capita and equalization payments	68, 873
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This item is for the purpose of carrying out the provisions entered into with the Choctaw Indians. Article 13 of the treaty of June 22, 1855 (11 Stat. L., 611-614), reads in part as follows:

"The amounts secured by existing treaty stipulations, viz: Permanent annuity of \$3,000, under the second article of treaty of 1805; \$600 per annum for the support of the light horsemen, under the thirteenth article of the treaty of 1820; permanent annuity of \$6,000 for education, under the second article of the treaty of 1825; \$600 per annum permanent provision for the support of a blacksmith, under the sixth article of the treaty of 1820; and \$325, permanent provision for iron and steel, under the ninth article of the treaty of 1825, shall continue to be paid to or expended for the benefit of the Choctaws as heretofore; or the same may be applied to such objects of general utility as may from time to time be designated by the general council of the tribe, with the approbation of the Government of the United States."

The amount asked, \$10,520, is the same as was appropriated by the act of June 30, 1919 (Public No. 3, 66th Cong.), and appropriation should be made to fulfill existing treaty stipulations.

The CHAIRMAN. Page 73, line 17—

For medical and health work among the restricted Indians of the Five Civilized Tribes, including salaries of physicians and field matrons, equipment, rent of quarters, medical and surgical supplies, and such other expenses as may be necessary, \$70,000: *Provided*, That not to exceed \$6,500 of the amount herein authorized may be used for purchase of motor-propelled and horse-drawn passenger-carrying vehicles for use of the physicians to be employed hereunder.

Mr. MERITT. We offer for the record the following justification, which I will read:

The CHAIRMAN. You can insert it. It is a new item and I am going to make a point of order on it, so there is no need of reading it.

The justification follows.

At present the health work among the restricted Indians of the Five Civilized Tribes is itself greatly restricted. For some 29,000 Indians there are but 11 contract physicians and 6 nurses maintained at the 11 different boarding schools for but nine months of the year. The duties of this limited corps of health workers are in themselves limited to medical attention given to the pupils of the 11 schools.

With the exception of this school service and the medical benefits derived from the hospital at Talihina, the only attempt made during the past year to furnish medical assistance to the restricted Indians of the Five Civilized Tribes has been accomplished through the efforts of one special physician paid from "relieving distress." This physician could hardly be spared from urgent work needing attention in other jurisdictions included within the field assigned to him, but, because of the distress and great need of the 29,000 restricted ones, and to silence the many complaints continually being made in regard to their neglect, he was finally detailed four months' time, from February to June of the present year, to work among these people.

His health report submitted on the Seminoles shows that among 2,141 Indians investigated 376 were suffering from trachoma, 176 from other affections of the eye, 12 blind, 41 cases of tuberculosis, and 174 having malaria, rheumatism, and other diseases. It is reasonable and quite certain that the situation in the other tribes is relatively about as reported by this special physician, Dr. Stevens, as to the Seminoles.

From time to time heretofore special physicians and medical supervisors, though badly needed in their regular fields, have given a part of their services to investigations and health drives among these Indians, and two years ago

an extensive health drive was accomplished by three supervisors and a staff of temporary field matrons, funds for their employment and equipment, etc., being furnished from "relieving distress." Drives and campaigns of such nature, while of great benefit per se, are obliged to lose much of their value when left without means of "follow-up" work, and much of the effectiveness of the campaign of 1917 is now being lost because of lack of appropriation during the succeeding years for the employment of competent permanent workers along health lines. A permanent organization of competent and well-equipped doctors and field matrons are needed in addition to special hospital facilities, for the Cherokees, Creeks, and Seminoles, and it is believed that the \$70,000 requested will make a good start in furnishing this medical and humane service.

The CHAIRMAN. Page 74, line 1:

OREGON.

SEC. 20. For support and civilization of Indians of the Klamath Agency, Oreg., including pay of employees, \$6,000.

Mr. MERITT. We offer for the record the following justification:

Support of Indians, Klamath Agency, Oreg.

Fiscal year ending June 30, 1920: Amount appropriated----- \$6,000.00

Fiscal year ended June 30, 1919:

Amount appropriated----- 6,000.00

Amount expended----- 5,748.92

Unexpended balance----- 251.08

Analysis of expenditures:

Salaries, wages, etc----- 3,113.89

Subsistence supplies----- 251.98

Forage----- 412.50

Fuel, lubricants, power and light service----- 314.97

Medical supplies, etc----- 509.82

Equipment and miscellaneous material----- 1,017.40

Outstanding liabilities----- 128.36

Total----- 5,748.92

This item is in the same sum as heretofore authorized and is used for the pay of necessary employees required in the administration of the affairs of the Indians of the Klamath Reservation, numbering 1,154, for the purchase of forage, fuel, medical supplies, and equipment, and miscellaneous expenses.

The CHAIRMAN. O. K. line 4:

For support and civilization of the confederated tribes and bands under Warm Springs Agency, Oreg., including pay of employees, \$4,000.

Mr. MERITT. We offer for the record the following justification:

Support of Indians, Warm Springs Agency, Oreg.

Fiscal year ending June 30, 1920; amount appropriated----- \$4,000.00

Fiscal year ended June 30, 1919:

Amount appropriated----- 4,000.00

Amount expended----- 3,980.00

Unexpended balance----- 20.00

Analysis of expenditures:

Salaries, wages, etc----- 2,133.00

Traveling expenses----- 3.30

Telegraph and telephone service----- 22.53

Subsistence supplies----- 519.85

Analysis of expenditures—Continued.

Forage-----	\$221. 41
Fuel, lubricants, power and light service-----	333. 32
Medical supplies, etc-----	231. 76
Equipment and miscellaneous materials-----	293. 75
Miscellaneous-----	67. 06
Outstanding liabilities-----	154. 02

Total ----- 3, 980. 00

This appropriation is required for the administration of the affairs of 822 Indians under the jurisdiction of the Warm Springs Agency. The appropriation was used in 1919 for the employment of one clerk, a blacksmith, and part of the salary of a physician, the purchase of fuel, forage, medical supplies and subsistence for issue to the sick and needy, equipment and miscellaneous agency expenses.

The CHAIRMAN. Line 7.

For support and civilization of the Indians of Umatilla Agency, Oregon, including pay of employees, \$3,000.

Mr. MERITT. We offer for the record the following justification:

Support of Indians, Umatilla Agency, Oreg.

Fiscal year ending June 30, 1920, amount appropriated----- \$3, 000. 00

Fiscal year ended June 30, 1919:

Amount appropriated-----	3, 000. 00
Amount expended-----	2, 940. 00

Unexpended balance-----	60. 00
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Analysis of expenditures, salaries, wages, etc----- 2, 940. 00

This is the general support item for the Umatilla Agency which has jurisdiction over 1,167 Indians, and as the analysis shows was used entirely for salaries of employees required in the conduct of the agency during 1919, the miscellaneous expenses of the agency being met from Indian funds to their credit and authorized for expenditure. This is the only support item for this agency.

The CHAIRMAN. O. K. Line 9.

For support and education of six hundred Indian pupils, including native Indian pupils brought from Alaska, at the Indian school, Salem, Oregon, including pay of superintendent, \$122,000; for general repairs and improvements, \$25,000; for high pressure boiler and steam heating installation, \$15,000; for new dormitory, \$35,000; in all, \$197,000.

Mr. MERITT. We offer for the record the following justification:

Indian School, Salem, Oreg.

Fiscal year ending June 30, 1920, amount appropriated----- \$122, 000. 00

Fiscal year ended June 30, 1919:

Amount appropriated-----	113, 000. 00
Amount expended-----	113, 000. 00

Analysis of expenditures:

Salaries, wages, etc-----	38, 090. 30
Traveling expenses-----	316. 89
Transportation of supplies-----	3, 658. 98
Telegraph and telephone service-----	156. 41
Stationery, printing, schoolroom supplies-----	747. 24
Subsistence supplies-----	34, 929. 61
Dry goods, clothing, etc-----	3, 145. 57
Forage-----	3, 185. 95

Analysis of expenditures—Continued.

Fuel, lubricants, power, and light service	\$18,043.27
Medical supplies, etc	389.56
Live stock	1,515.00
Equipment and miscellaneous material	6,229.43
Medical and burial expenses	1,171.95
Miscellaneous	1,419.84
Total	113,000.00

REPAIRS AND IMPROVEMENTS.

Fiscal year ending June 30, 1920, amount appropriated	\$20,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated	20,000.00
Amount expended	19,596.41
Unexpended balance	403.59
Analysis of expenditures: Repair of buildings	19,596.41

STATISTICAL STATEMENT FOR YEAR ENDED JUNE 30, 1919.

Value of school plant (real property)	\$252,682
Number of buildings	57
Number of employees	58
Total salaries	\$43,730
Average attendance of pupils	563
Average enrollment	663
Capacity	650
Cost per capita based on enrollment	\$157
Cost per capita based on average attendance	\$185
Area of school land (acres)	441
Area of school land (acres cultivated)	250
Value of agricultural products	\$12,342
Value of other school products	\$7,144
Indian money, proceeds of labor (school earnings) expended	\$3,153

SUPERINTENDENT'S ESTIMATE OF ABSOLUTE NEEDS FOR 1921.

Support	\$126,125
Repairs and improvements	25,000
New buildings	70,000
High-pressure boiler and steam-heating piping	15,000
Total	236,125

REQUESTED IN PROPOSED BILL FOR 1921.

Support and education of 600 Indian pupils at the Indian school, and superintendent's salary	\$122,000
Repairs and improvements	25,000
New buildings	35,000
High-pressure boiler and steam-heating installation	15,000
Total	197,000

POSITIONS AND SALARIES, 1919.

Superintendent	\$2,250	Assistant disciplinarian	720
Principal	1,200	Teacher	900
Clerk	1,100	Do	840
Financial clerk	1,000	Do	840
Clerk	1,000	Do	840
Do	900	Do	720
Do	600	Do	660
Physician (contract)	720	Do	600
Disciplinarian	900	Do	600

Teacher of agriculture-----	\$1,000	Assistant carpenter-----	\$720
Industrial teacher-----	720	Blacksmith-----	900
Domestic science teacher-----	720	Tailor-----	800
Matron-----	840	Gardener-----	800
Assistant matron-----	600	Shoe and harness maker-----	780
Do-----	600	Engineer-----	1,400
Do-----	600	Assistant engineer-----	720
Do-----	600	Printer-----	1,000
Do-----	580	Painter-----	720
Do-----	540	Laborer-----	720
Superintendent of industries-----	1,200	Do-----	720
Nurse-----	840	Do-----	720
Sewing teacher-----	\$800	Do-----	720
Assistant seamstress-----	600	Do-----	500
Do-----	540	Assistant (Indian)-----	600
Laundress-----	540	Do-----	300
Assistant laundress-----	420	Do-----	300
Baker-----	600	Do-----	300
Cook-----	600	Assistant-----	300
Hospital cook-----	480		
Carpenter-----	900	Total-----	43,730

The item, \$122,000 is for support and education of 600 Indian pupils, including native Indian pupils brought from Alaska, and for the pay of the superintendent. This amount is based upon a \$200 per capita allowance. This is an old school, having been started in 1880. The buildings are generally of frame in poor condition, and requiring constant repairs throughout. The power plant, including steam, water, light, refrigeration, heating, etc., is a very extensive system and being old, repairs are constantly needed at considerable expense.

An additional boiler is required to supply sufficient steam for heating purposes; also new steam main with laterals as the pipe lines are rusted and practically beyond use or repair.

The two dormitories at Salem were erected in the eighties. They have served their usefulness and at this time are unfit in every respect for further occupancy. They are both uncomfortable and unhealthy. An appropriation for one new dormitory is requested this year.

Mr. RHODES. Now, Mr. Chairman, I just want to ask Mr. Meritt one question. Is the condition of that part of the plant involved here such that it can not be used another year?

Mr. MERITT. The report is that it can not be used another year. We need very much this appropriation.

Mr. RHODES. I see after the reduction of \$35,000 the sum provided for that particular purpose, there is yet an excess of \$12,000 over last year's appropriation. What would that be for?

Mr. MERITT. We are asking for a new dormitory, \$35,000. The superintendent in his estimates requests two new dormitories. Those dormitories have been erected for a great many years; they are of frame construction, and have outlived their usefulness. Mr. Chairman, the superintendent of this reservation, Mr. Hall, is one of the very ablest school superintendents in the Indian Service. He is the man who is primarily responsible for the splendidly built school at Riverside, Calif., and has very materially increased the efficiency of this school.

The CHAIRMAN. I think, Mr. Rhodes, we might concede the heating system. This is an important school, and they are handling an average attendance of 563.

Mr. RHODES. I want to call attention to the fact that that calls for an increase of 33 $\frac{1}{3}$ per cent.

The CHAIRMAN. I am going to strike out the new dormitory.

Mr. RHODES. That is all right; that leaves an addition of \$12,000.

Mr. CARTER. It means an addition, if you leave in repairs and improvements, of about \$10,000. Last year it was \$150,000, and it is now \$122,000 for support and education; for repairs and improvements, \$25,000; for boiler and steam-heating installation, \$15,000; \$160,000 in all; being an increase of \$10,000 over last year.

Mr. RHODES. \$35,000 from \$197,000 leaves \$162,000.

The CHAIRMAN. \$12,000 additional.

Mr. CARTER. What are you going to do with the improvements?

The CHAIRMAN. I am going to leave it just as it is and strike out nothing but the words "for new dormitory, \$35,000."

Mr. MERITT. That would allow an increase of \$12,000.

The CHAIRMAN. Making the appropriation \$162,000.

Mr. MERITT. That is correct.

Mr. CARTER. That is right.

The CHAIRMAN. Unless there is further argument, it is so ordered. Line 17:

For support and civilization of Indians at Grande Ronde and Siletz Agencies, Oreg., including pay of employees, \$3,000.

Mr. MERITT. We submit for the record the following justification:

Support of Indians, Grande Ronde and Siletz Agencies, Oreg.

Fiscal year ending June 30, 1920: Amount appropriated-----	\$3,000. 00
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Fiscal year ended June 30, 1919:	
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Amount appropriated-----	4,000. 00
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Amount expended-----	3,923. 73
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Unexpended balance-----	76. 27
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Analysis of Expenditures:

Salaries, wages, etc-----	1,888. 75
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Traveling expenses-----	60. 18
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Transportation of supplies-----	26. 23
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Telegraph and telephone service-----	15. 00
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Subsistence supplies-----	753. 10
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Forage-----	99. 07
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Fuel, lubricants, power, and light service-----	161. 71
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Medical supplies, etc-----	99. 62
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Equipment and miscellaneous material-----	306. 81
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Miscellaneous-----	29. 50
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Outstanding liabilities-----	483. 76
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Total-----	3,923. 73
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The Grande Ronde and Siletz Agencies are combined under one superintendency with headquarters on the Siletz Reservation, with a total population of 769 Indians. The appropriation is used for the pay of employees, the purchase of subsistence, and medical supplies for issue to the needy and sick Indians, forage, fuel, and equipment, and miscellaneous expenses.

The CHAIRMAN. Line 20:

For maintenance and operation of the Modoc Point irrigation system within the Klamath Indian Reservation, in the State of Oregon, \$5,000, reimbursable in accordance with the provisions of the act of March 3, 1911.

Mr. MERITT. We offer for the record the following justification:

Maintenance and operation, Modoc Point irrigation system, Klamath Reservation, Oreg. (reimbursable).

Fiscal year ending June 30, 1920: Amount appropriated_____	\$5,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated_____	4,000.00
Amount expended_____	2,551.55
Unexpended balance_____	1,448.45
Analysis of expenditures:	
Salaries, wages, etc_____	2,413.78
Transportation of supplies_____	73.27
Telegraph and telephone service_____	.67
Stationery, printing, schoolroom supplies_____	5.00
Forage_____	47.38
Equipment and miscellaneous material_____	11.45
Total_____	2,551.55

Indian tribe. Klamath, Modoc Point, Pitt River.

Number of Indians, 1,175.

Area of reservation, 1,196,895 acres.

Irrigation project started 1900.

Work done by force account using principally Indian labor.

Area of irrigable land under project, 5,400 acres.

Area of irrigable land under constructed works, 5,400 acres.

Area actually irrigated, 1,948 acres.

Area of irrigable land cultivated by Indians, 1,603 acres.

Area of irrigable land cultivated by leasees, 345 acres.

Area of irrigable land cultivated by white owners, none.

Cost of construction to June 30, 1919, \$172,000.

Cost of operation, maintenance, and miscellaneous to June 30, 1919, \$17,543.63.

Operation and maintenance charges are not collected from water users.

Estimated additional cost to complete, none.

Cost per acre when completed, \$31.85.

Average value of irrigated land per acre, \$50.

Average annual precipitation, 18 inches.

Source of water supply, Sprague River.

Crops produced, hay, wheat, rye.

Market for products, local; fair.

Distance from railroad: Railroad through project.

This project has recently been completed, and the Indians are beginning to make some use of it, and it is believed that they will avail themselves more fully of their opportunities as soon as they can be made to realize the advantages of the system. The project has considerable flumes and hillside canals, and not less than two men are required to operate it during the irrigation season, which is responsible for a somewhat high rate of operation and maintenance cost. The sum herewith requested is estimated as necessary to operate and maintain this system during the fiscal year 1921.

The CHAIRMAN. Page 75, line 19:

SOUTH DAKOTA.

SEC. 21. For support and education of 350 Indian pupils at the Indian school at Flandreau, S. Dak., and for pay of superintendent, \$80,750; for general repairs and improvements, \$10,000; in all, \$90,750.

Mr. MERITT. I offer for the record the following justification:

Indian school, Flandreau, S. Dak.

Fiscal year ending June 30, 1920: Amount appropriated-----	\$82,750.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	72,000.00
Amount expended-----	71,745.80
Unexpended balance-----	254.20
Analysis of expenditures:	
Salaries, wages, etc-----	25,906.72
Traveling expenses-----	11.58
Transportation of supplies-----	1,697.17
Telegraph and telephone service-----	121.70
Stationery, printing, schoolroom supplies-----	891.51
Subsistence supplies-----	15,829.20
Dry goods, clothing, etc-----	7,973.59
Fuel, lubricants, power and light service-----	9,313.98
Medical supplies, etc-----	550.50
Equipment and miscellaneous material-----	4,342.35
Miscellaneous-----	559.15
Outstanding liabilities-----	4,548.35
Total-----	71,745.80

REPAIRS AND IMPROVEMENTS.

Fiscal year ending June 30, 1920: Amount appropriated-----	\$10,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	8,000.00
Amount expended-----	7,981.48
Unexpended balance-----	18.52
Analysis of expenditures:	
Telegraph and telephone service-----	2.10
Repair of buildings-----	7,975.24
Outstanding liabilities-----	4.14
Total-----	7,981.48

STATISTICAL STATEMENT FOR YEAR ENDING JUNE 30, 1919.

Value of school plant (real property)-----	\$269,402.00
Number of buildings-----	40
Number of employees-----	39
Total salaries-----	\$26,890.00
Average attendance of pupils-----	238
Average enrollment-----	329
Capacity-----	360
Cost per capita based on enrollment-----	\$185.00
Cost per capita based on average attendance-----	\$256.00
Area of school land (acres)-----	480
Area of school land (acres cultivated)-----	132
Value of agricultural products-----	\$12,252.00
Value of other school products-----	\$4,163.00
Indian money, proceeds of labor (school earnings) expended-----	\$2,378.88

SUPERINTENDENT'S ESTIMATE OF ABSOLUTE NEEDS FOR 1921.

Support-----	\$80,750
Repairs and improvements-----	12,000

Total----- 92,750

REQUESTED IN PROPOSED BILL FOR 1921.

Support and education of 350 Indian pupils at the Indian school, Flan-	
dreau, S. Dak., and superintendent's salary-----	\$80,750
Repairs and improvements-----	10,000
Total-----	90,750

POSITIONS AND SALARIES, 1919.

Superintendent-----	\$2,000	Cook-----	\$560
Clerk-----	1,320	Assistant cook-----	300
Assistant clerk-----	780	Baker-----	520
Physician (contract)-----	720	Laundress-----	520
Disciplinarian and band in-		Assistant laundress-----	300
structor-----	1,000	Engineer-----	1,000
Principal-----	1,200	Shoe and harness maker-----	760
Teacher-----	780	Farmer-----	840
Do-----	750	Carpenter-----	720
Do-----	720	Dairyman-----	720
Do-----	720	Laborer, \$70 per month, 8	
Do-----	600	months-----	560
Do-----	600	Laborer-----	540
Do-----	600	Laborer, \$40 per month, 6	
Manual-training teacher-----	900	months-----	240
Domestic-science teacher-----	660	Assistant-----	660
Matron-----	720	Do-----	480
Assistant matron-----	600	Do-----	300
Nurse-----	840	Do-----	300
Seamstress-----	600	Do-----	600
Assistant seamstress-----	300		
Housekeeper-----	560	Total-----	26,890

The support item, \$80,750, is for support and maintenance of 350 pupils and superintendent's salary, \$2,000, and includes subsistence, clothing for pupils, fuel and lighting, salaries of school employees, and other expenses connected with the proper maintenance of the school. This is \$2,000 less than the amount appropriated for the last fiscal year.

For general repairs and improvements, \$10,000 is needed. This amount was appropriated last year and is slightly less than 4 per cent on the valuation of the school plant, which is \$269,402.

The school plant consists of 40 buildings in all. A number of the buildings were erected more than 25 years ago, and continual repairs are necessary to prevent deterioration.

The school is favorably situated and is well equipped, has a large farm, is doing excellent work, and should be maintained for several years in order that adequate facilities may be furnished for advanced Indian pupils from adjoining States, from which the school largely draws its pupils.

Mr. CARTER. It is the same as last year except the \$2,000.

Mr. MERITT. It is a reduction of \$2,000.

The CHAIRMAN. What is the justification number?

Mr. MERITT. Number 141.

Mr. CARTER. That \$2,000 before was a deficiency appropriation, Mr. Meritt?

Mr. MERITT. Yes, sir.

Mr. CARTER. That you do not need this year?

Mr. MERITT. No, sir.

The CHAIRMAN. I notice the average attendance at this school is 238, and last year 368, and you are asking for the same. You are not asking for the total capacity. You are asking for 10 less than the total capacity.

Mr. MERITT. Yes; the superintendent of that school has not kept his school filled to its capacity. Therefore, we will not ask for the capacity of the school.

The CHAIRMAN. We will O. K. that item, and read on page 76.

For support and education of 250 Indian pupils at the Indian school at Pierre, S. Dak., including pay of superintendent, \$58,250; for general repairs and improvements, \$6,000.

Mr. MERITT. We offer for the record the following justification:

Indian school, Pierre, S. Dak.

Fiscal year ending June 30, 1920: Amount appropriated-----	\$58, 250. 00
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Fiscal year ended June 30, 1919:	
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Amount appropriated-----	52, 000. 00
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Amount expended-----	44, 700. 99
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Unexpended balance-----	7, 299. 01
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Analysis of expenditures:

Salaries, wages, etc-----	16, 760. 01
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Traveling expenses-----	29. 00
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Transportation of supplies-----	68. 28
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Telegraph and telephone service-----	123. 94
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Stationery, printing, schoolroom supplies-----	320. 84
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Subsistence supplies-----	9, 823. 73
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Dry goods, clothing, etc-----	3, 242. 41
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Forage-----	1, 351. 88
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Fuel, lubricants, power and light service-----	4, 232. 10
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Medical supplies, etc-----	198. 34
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Live stock-----	450. 00
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Equipment and miscellaneous material-----	2, 193. 12
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Medical service and burial expense-----	1, 457. 50
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Miscellaneous-----	137. 45
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Outstanding liabilities-----	4, 312. 39
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Total-----	44, 700. 99
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REPAIRS AND IMPROVEMENTS.

Fiscal year ending June 30, 1920: Amount appropriated-----	\$6, 000. 00
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Fiscal year ended June 30, 1919:	
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Amount appropriated-----	6, 000. 00
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Amount expended-----	5, 826. 43
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Unexpended balance-----	173. 57
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Analysis of expenditures:

Repair of buildings-----	5, 217. 83
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Outstanding liabilities-----	608. 69
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Total-----	5, 826. 43
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STATISTICAL STATEMENT FOR YEAR ENDED JUNE 30, 1919.

Value of school plant (real property)-----	\$217, 994. 00
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Number of buildings-----	32
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Number of employees-----	26
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Total salaries-----	\$18, 080. 00
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Average attendance of pupils-----	134
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Average enrollment-----	196
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Capacity-----	250
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Cost per capita based on enrollment-----	\$191. 00
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Cost per capita based on average attendance	\$278. 00
Area of school land (acres)	312
Area of school land (acres cultivated)	175
Value of agricultural products	\$10, 393. 00
Value of other school products	\$1, 819. 00
Indian money, proceeds of labor (school earnings) expended	\$1, 406. 28

SUPERINTENDENT'S ESTIMATE OF ABSOLUTE NEEDS FOR 1921.

Support	\$58, 250. 00
Repairs and improvements	6, 000. 00
Total	64, 250. 00

REQUESTED IN PROPOSED BILL OF 1921.

Support and education of 250 Indian pupils at the Indian school, Pierre, S. Dak., and superintendent's salary	\$58, 250. 00
Repairs and improvements	6, 000. 00
Total	64, 250. 00

POSITIONS AND SALARIES, 1919.

Superintendent	\$2, 000	Seamstress	\$540
Clerk	1, 000	Laundress	500
Financial clerk	720	Cook	500
Physician (contract)	500	Nurse	720
Disciplinarian	720	Farmer	900
Principal	1, 000	Carpenter	780
Teacher	660	Shoe and harness maker	720
Do	600	Engineer	1, 100
Do	600	Assistant	300
Do	600	Do	300
Matron	720	Laborer	600
Assistant matron	600	Do	600
Do	500		
Do	300	Total	18, 080

The item \$58,250 is for the support and maintenance of 250 pupils, and includes the superintendent's salary, \$2,000. This is the same amount that was appropriated for the last fiscal year.

For general repairs and improvements, \$6,000 is needed. This amount was appropriated last year for this purpose and is somewhat less than 3 per cent on the valuation of the school plant, which is \$217,994.

This school was established nearly 30 years ago and the plant is one of the oldest in South Dakota. Many of the buildings are in need of new floors, new roofs and other general repairs. The plant consists of 32 buildings.

The school is well located, being almost surrounded by Indian reservations. It has a good farm and reasonable facilities for such industrial training as it is called upon to furnish.

Mr. MERITT. You will notice that we are saving \$10,000 over the amount allowed last year.

The CHAIRMAN. But I note also here that the average attendance is 134 and the capacity is 250.

Mr. MERITT. The superintendents should have a larger average attendance at these schools.

The CHAIRMAN. But he simply can not get that, I expect. All right, we will O. K. that and read line 6.

For support and education of 275 Indian pupils at the Indian school, Rapid City, S. Dak., including pay of superintendent; \$68,875; for general repairs and improvements, including construction and repair of roads, \$8,000; in all, \$71 875.

Mr. MERITT. We offer for the record the following justification:

Indian School, Rapid City, S. Dak.

Fiscal year ending June 30, 1920: Amount appropriated..... \$63,875.00

Fiscal year ended June 30, 1919:

Amount appropriated 57,000.00
Amount expended 56,995.87

Unexpended balance 4.13

Analysis of expenditures:

Salaries, wages, etc..... 20,943.00
Traveling expenses 55.79
Transportation of supplies..... 1,096.81
Telegraph and telephone service..... 105.19
Stationery, printing, schoolroom supplies..... 423.90
Subsistence supplies 11,921.34
Dry goods, clothing, etc..... 3,744.11
Forage 203.50
Fuel, lubricants, power and light service..... 9,018.13
Medical supplies, etc..... 313.40
Equipment and miscellaneous material..... 3,715.64
Medical service and burial expense..... 723.90
Miscellaneous 219.00
Outstanding liabilities 4,512.16

Total 56,995.87

REPAIRS AND IMPROVEMENTS.

Fiscal year ending June 30, 1920: Amount appropriated..... \$8,000.00

Fiscal year ended June 30, 1919:

Amount appropriated 5,000.00
Amount expended 4,985.99

Unexpended balance 14.01

Analysis of expenditures:

Transportation of supplies..... 59.55
Repair of buildings..... 4,926.44

Total 4,985.99

STATISTICAL STATEMENT FOR YEAR ENDING JUNE 30, 1919.

Value of school plant (real property)..... \$236,785
Number of buildings..... 42
Number of employees..... 33
Total salaries \$21,850
Average attendance of pupils..... 151
Average enrollment 213
Capacity 300
Cost per capita based on enrollment..... \$229
Cost per capita based on average attendance..... \$323
Area of school land (acres)..... 1,390
Area of school land (acres cultivated)..... 350
Value of agricultural products..... \$12,819
Value of other school products..... \$4,763
Indian money, proceeds of labor (school earnings) expended..... \$1,428.93

SUPERINTENDENT'S ESTIMATE OF ABSOLUTE NEEDS FOR 1921.

Support \$69,500.00
Repairs and improvements, including farm improvements and
construction and repair of roads and sidewalks..... 10,000.00
Additional appropriation, new school building..... 45,000.00
Total 124,500.00

REQUESTED IN PROPOSED BILL FOR 1921.

Support and education of 275 Indian pupils at the Indian School, Rapid City, S. Dak., and superintendent's salary-----	\$63, 875. 00
Repairs and improvements, including construction and repair of roads-----	8, 000. 00
Total-----	71, 875. 00

POSITIONS AND SALARIES, 1919.

Superintendent-----	\$2, 000	Assistant seamstress-----	\$300
Clerk-----	1, 000	Laundress-----	540
Assistant clerk-----	600	Assistant laundress-----	300
Principal-----	1, 000	Baker-----	540
Disciplinarian-----	800	Cook-----	600
Physician (contract)-----	550	Farmer-----	900
Teacher-----	720	Assistant farmer-----	300
Teacher-----	600	Carpenter-----	720
Teacher-----	600	Shoe and harness maker-----	720
Teacher-----	600	Engineer-----	900
Domestic science teacher-----	600	Dairyman-----	720
Industrial teacher-----	720	Assistant-----	300
Matron-----	720	Assistant-----	300
Assistant matron-----	660	Assistant-----	300
Assistant matron-----	600	Laborer-----	720
Assistant matron-----	540		
Nurse-----	840		21, 850
Seamstress-----	540		

The item, \$63.875, is for the support and maintenance of 275 pupils and superintendent's salary, \$2,000. This amount was appropriated for the last fiscal year.

For general repairs and improvements, \$8,000 is needed. This amount was appropriated last year and is necessary because of the high cost of material and labor, being slightly more than 3 per cent on the valuation of the school plant, which is \$236,785.

The plant consists of 42 buildings and general repairs and improvements are annually required to keep the plant in a proper condition.

The school is situated near large groups of Indians, to whose needs it is adapting itself by giving a practical course in agriculture and stock raising. The school is doing efficient work and should be maintained for several years.

The CHAIRMAN. Note also here that the average attendance of pupils is 151 and the capacity 300. The amount asked for is the same as last year. You do not see any way that you could reduce that?

Mr. MERITT. We did not ask for an increase because of the poor showing on average attendance.

The CHAIRMAN. You can take care of any increase that you would possibly get with that appropriation?

Mr. MERITT. Yes, sir.

The CHAIRMAN. All right.

Mr. RHODES. I would like to ask one more question. Could you get along with less?

Mr. MERITT. The small attendance last year was probably due to influenza, and it is possible that the superintendent can get a larger attendance next year. We shall expect these superintendents to have a larger attendance at the schools.

The CHAIRMAN. Line 11:

For support of Sioux of different tribes, including Santee Sioux of Nebraska, North Dakota, and South Dakota: For pay of five teachers, one physician,

one carpenter, one miller, one engineer, two farmers, and one blacksmith (art. 13, treaty of Apr. 29, 1868), \$10,400; for pay of second blacksmith, and furnishing iron, steel, and other material (art. 8 of same treaty), \$1,600; for pay of additional employees of the several agencies for the Sioux in Nebraska, North Dakota, and South Dakota, \$95,000; for subsistence of the Sioux and for purposes of their civilization (act of Feb. 28, 1877), \$200,000: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation, and in this service Indians shall be employed whenever practicable; in all, \$307,000.

The CHAIRMAN. Same as last year, a treaty item.

Mr. MERITT. I offer for the record the following justification:

Support of Sioux of different tribes.

EMPLOYEES, SOUTH DAKOTA.

Fiscal year ending June 30, 1920, amount appropriated-----	\$107,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	107,000.00
Amount expended-----	96,240.73
Unexpended balance-----	10,759.27
Analysis of expenditures:	
Salaries, wages, etc-----	94,671.45
Outstanding liabilities-----	1,569.28
Total-----	96,240.73

SUBSISTENCE AND CIVILIZATION, SOUTH DAKOTA.

Fiscal year ending June 30, 1920, amount appropriated-----	\$200,000.00
Fiscal year ending June 30, 1919:	
Amount appropriated-----	200,000.00
Amount expended-----	193,422.83
Unexpended balance-----	6,577.17
Analysis of expenditures:	
Salaries, wages, etc-----	10,962.00
Traveling expenses-----	2,535.04
Transportation of supplies-----	22,613.43
Telegraph and telephone service-----	151.10
Stationery, printing, schoolroom supplies-----	433.71
Subsistence supplies-----	100,866.66
Dry goods, clothing, etc-----	43.39
Forage-----	4,630.48
Fuel, lubricants, power, and light service-----	6,996.61
Medical supplies, etc-----	2,262.13
Equipment and miscellaneous material-----	11,988.82
Miscellaneous-----	892.69
Outstanding liabilities-----	29,246.77
Total-----	193,422.83

This is the same amount as allowed for the fiscal year 1920.

This appropriation is divisible into two parts, i. e., salaries of employees and support of Indians.

One hundred and seven thousand dollars of this fund will be set aside for the salaries of employees, which includes \$10,400 for the purpose of paying employees provided for by article 13 of the treaty with the Sioux Nation, dated April 29, 1868, and \$1,600 for the pay of the second blacksmith and the furnishing of certain steel, iron, and material. This will leave, after the deduction above specifically provided for, about \$95,000 to be used in

paying the salaries of the administrative employees who are looking after the interests of these Indians. During the fiscal year 1919, \$94,671.45 was expended for salaries of employees and irregular labor, in addition to the amount set aside for employees specified by the treaty.

The remaining \$200,000 of this appropriation Congress has specifically provided, shall be used for the subsistence and civilization of the Sioux tribes. The Indians benefitting under this appropriation are those residing on the Cheyenne River, Crow Creek, Flandreau, Lower Brule, Pine Ridge, Rosebud, Santee, and Standing Rock Reservations.

Salaries, wages, etc., charged to this fund for the fiscal year ended June 30, 1919, totals \$105,633.45, transportation of supplies amounted to \$22,613.43, subsistence supplies, clothing, etc., aggregated \$100,666.66, purchase of forage and fuel amounted to \$6,996.61, and equipment and material purchased for the several agencies cost \$11,988.82. The balance of the amount expended was used in the purchase of medical supplies, and for traveling and incidental expenses ordinarily arising in the conduct of agencies.

These funds are used as economically and judiciously as possible, and only such employees as are absolutely necessary to the civilization of the Sioux are being employed. While a balance of approximately \$17,000 is shown as unexpended for the fiscal year 1919, it is believed that the total amount of the appropriation heretofore allowed will be needed for the year 1921, on account of the increased cost of supplies and other expenses.

The CHAIRMAN. Is it obligatory that we spend the \$200,000, all of it?

Mr. MERITT. That is a treaty item, and we are under obligations to educate the Sioux Indians.

The CHAIRMAN. What proportion of the \$200,000 is to be spent in the erection and repair of school buildings.

Mr. MERITT. For repairs and improvements, \$33,870.

The CHAIRMAN. Anything for construction?

Mr. MERITT. We did not do any new construction this last year.

The CHAIRMAN. Page 77, line 1:

For support and maintenance of day and industrial schools among the Sioux Indians, including the erection and repairs of school buildings, \$200,000, in accordance with the provisions of article 5 of the agreement made and entered into September 26, 1876, and ratified February 28, 1877 (19 Stats., p. 254).

Mr. MERITT. We offer for the record the following justification:

Education, Sioux Nation, South Dakota.

Fiscal year ending June 30, 1920: Amount appropriated.....	\$200, 000. 00
Fiscal year ended June 30, 1919:	
Amount appropriated.....	200, 000. 00
Amount expended.....	200, 000. 00

Analysis of expenditures:

Salaries, wages, etc.....	81, 625. 32
Traveling expenses.....	982. 88
Transportation of supplies.....	2, 179. 49
Telegraph and telephone service.....	.83
Stationery, printing, schoolroom supplies.....	1, 077. 63
Subsistence supplies.....	16, 826. 44
Dry goods, clothing, etc.....	30, 235. 18
Forage.....	665. 02
Fuel, lubricants, power and light service.....	18, 501. 21
Medical supplies, etc.....	1, 535. 14
Equipment and miscellaneous material.....	9, 593. 07
Construction of buildings.....	1, 825. 28
Repair of buildings.....	4, 354. 57
Care and education of pupils in mission schools.....	17, 891. 90
Miscellaneous.....	457. 85
Outstanding liabilities.....	12, 248. 19
Total.....	200, 000. 00

This appropriation is to be expended under section 5 of the agreement with the Sioux Indians, ratified February 28, 1877 (19 Stat. L., 254), which provides in part:

"All necessary aid to assist the said Indians in the work of civilization; to furnish to them schools and instruction in mechanical and agricultural arts, as provided for by the treaty of 1868."

The major part of this appropriation is to be applied to the support and maintenance of 44 day schools and 6 boarding schools, the combined schools having an average enrollment of 1,797 pupils. This fund is augmented by the appropriation made for "Subsistence and civilization."

The valuation of the school plants exceeds \$640,000.

There are paid from this fund the salaries of 130 persons, amounting to \$77,330.

The Standing Rock boarding school is supported in part from this fund.

Superintendents have estimated that the absolute necessities to be provided for by this fund for the fiscal year 1921 for the operation of Government Sioux schools amount to \$166,130.

The amounts from this fund which will be applied to mission contracts for the fiscal year 1920 will be substantially the same as last year. There was used last year:

Immaculate Conception Mission Boarding School, Crow Creek, S. Dak	\$3, 772. 00
Holy Rosary Mission Boarding School, Pine Ridge Reservation, S. Dak	11, 245. 57
St. Francis Mission Boarding School, Pine Ridge Reservation, S. Dak	2, 976. 30
Total	17, 993. 87

The superintendents of the schools using this fund have estimated as follows:

Cheyenne River:	
Administration	\$2, 960
Education	6, 800
Crow Creek:	
Administration	1, 800
Education	33, 800
Pine Ridge:	
Administration	2, 500
Education	100, 400
Rosebud:	
Administration	(¹)
Education	17, 000
Standing Rock:	
Administration	(¹)
Education	870
For repairs and improvements	33, 870
Total	200, 000

The valuation of the several school plants exceeds \$640,000, and the above amount will be required to keep them in repair and to construct any necessary new buildings.

The CHAIRMAN. Read line 7.

For subsistence and civilization of the Yankton Sioux, South Dakota, including pay of employees, \$12,000.

SUPPORT OF YANKTON SIOUX, SOUTH DAKOTA.

Fiscal year ending June 30, 1920: Amount appropriated	\$12, 000. 00
Fiscal year ended June 30, 1919:	
Amount appropriated	14, 000. 00
Amount expended	13, 896. 43
Unexpended balance	103. 57

¹ Paid from other fund.

Analysis of expenditures:

Salaries, wages, etc.....	\$6, 530. 00
Traveling expenses	135. 73
Transportation of supplies.....	438. 58
Telegraph and telephone service.....	103. 42
Subsistence supplies	293. 27
Forage	528. 97
Fuel, lubricants, power and light service.....	673. 70
Medical supplies, etc.....	441. 10
Equipment and miscellaneous material.....	1, 324. 55
Medical service	1, 012. 50
Outstanding liabilities	2, 414. 61
Total	13, 896. 43

This item is in the same amount as granted for the fiscal year 1920.

The Yankton agency, in addition to looking after the interest of 1,927 Yankton Indians, also has supervision over the affairs of the Indians of the former Santee Agency, which has been abolished.

The analysis of expenses shows that \$6,530 of the appropriation was expended for salaries and irregular labor for the year 1919.

The railroad shipping point for this agency is 16 miles distant, hence the transportation of supplies is considerable, \$439 having been expended for that purpose in 1919.

The balance of the appropriation will be required in the purchase of subsistence for issue to old and needy Indians, forage for agency stock, equipment and material for the agency, fuel and illuminants, and medical supplies, and the meeting of general expenses arising in the conduct of reservation affairs, such as traveling expenses, telegraph and telephone service, etc.

Mr. MERITT. Mr. Chairman, we can take a small cut there on the appropriation. I suggest that it be cut to \$9,000. During the last year we have issued patents in fee to a large number of those Indians, and our administrative duties will be reduced at that agency during the coming year.

The CHAIRMAN. All right. Reduce the item on line 8, of \$12,000 to \$9,000.

Line 9:

For the equipment and maintenance of the asylum for insane Indians at Canton, S. Dak., for incidental and all other expenses necessary for its proper conduct and management, including pay of employees, repairs, improvements, and for necessary expense of transporting insane Indians to and from said asylum, \$50,000.

Mr. MERITT. We offer for the record the following justification:

Asylum for insane Indians, Canton, S. Dak.

Fiscal year ending June 30, 1920: Amount appropriated.....	\$45,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated.....	40,000.00
Amount expended	35,347.00
Unexpended balance.....	4,653.00

Analysis of expenditures:

Salaries, wages, etc.....	11,818.33
Traveling expenses.....	2,212.12
Transportation of supplies.....	598.05
Telegraph and telephone service.....	68.33
Stationery, printing, schoolroom supplies.....	33.60
Subsistence supplies.....	8,444.81
Dry goods, clothing, etc.....	2,132.86
Fuel, lubricants, power, and light service.....	2,999.13
Medical supplies, etc.....	232.93

Analysis of expenditures—Continued.

Equipment and miscellaneous material	\$1,166.42
Repair of buildings	630.94
Burial expenses	512.20
Miscellaneous	311.35
Outstanding liabilities	4,185.93
Total	35,347.00

Employees.

Superintendent	\$2, 500
Physician	1, 300
Financial clerk	960
Matron	660
Seamstress	500
Laundress	480
Cook	500
Farmer	600
Engineer	720
Laborer	540
5 laborers, at \$480	2, 400
8 laborers, at \$420	3, 360
Hospital cook	480
Hospital nurse	600
Total	15, 600

All employees except superintendent and financial clerk are allowed subsistence when actually on duty.

This institution, being the only one of its kind in the country, is always full to capacity, 92, and usually carrying a waiting list. It accomplishes much good work, but is handicapped by meager funds. The cost of food, fuel, and other necessities for maintenance has increased. There is need for more room to house the many patients on the waiting list, and there is need for more attendants to care for the increased number of patients admitted to the institution.

Many of the States refuse to admit insane Indians into their institutions, therefore the obligation for their support must be assumed by the United States. It is absolutely necessary that such an institution as the Canton Asylum be maintained for the care of the insane among the Indian wards of the Government, and its capacity should be stretched to the utmost in order that patient-applicants, who are endangering their own lives and the lives of those who come in contact with them on their home reservations, should not have to wait for admission.

Insane patients require a greater amount of supervision than patients in other kinds of institutions, so increased capacity means the need for increase in the number of attendants, and therefore increased appropriation.

The hydrotherapeutic department of the hospital building, the installation of which, it is thought, will bring great good to these unfortunate patients, needs equipment, which also calls for greater appropriation.

In view of all these many demands upon the finances of this institution, it is deemed absolutely essential that the increase in the amount requested in this item be allowed.

Mr. MERITT. This is a small increase brought about because of the general increase in prices of everything going to the support of an institution of this kind.

The CHAIRMAN. Are you taking care of more inmates there now than you were a year ago?

Mr. MERITT. This institution has been filled to its capacity, 92, for the last year.

The CHAIRMAN. How long has the institution been in existence?

Mr. MERITT. To my knowledge it has been in existence for 15 years.

The CHAIRMAN. And has it carried about this amount annually?

Mr. MERITT. The amount has been gradually increased as the capacity of the institution was increased.

The CHAIRMAN. Now, can we not get along without that increase?

Mr. MERITT. The superintendent has urged that this increase be allowed, but in view of the fact that there was an unexpended balance of \$4,000, we will try to get along.

The CHAIRMAN. I note that unexpended balance, and I think if we keep the same amount it will be sufficient, so we will strike out in line 14 \$50,000 and insert \$45,000.

Line 15:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to withdraw from the Treasury of the United States the sum of \$185,000, or so much thereof as may be necessary, of the tribal funds on deposit to the credit of the Sioux Indians of Rosebud Agency, S. Dak., accruing under the act of May 30, 1910 (36 Stat. L., p. 448), and to expend the same for the support, civilization, and education of said Indians.

Mr. MERITT. I offer for the record the following justification:

TRIBAL FUNDS, ROSEBUD SIOUX INDIANS.

This item involves authority for the withdrawal of \$185,000 of the tribal funds on deposit in the United States Treasury to the credit of the Rosebud Band of Sioux Indians, accruing under the act of May 30, 1910 (36 Stat. L., 488), providing for the disposition of the surplus and unallotted land in Mellette and Washabaugh Counties, on the reservation, section 7 of which reads as follows:

"That from the proceeds arising from the sale and disposition of the lands aforesaid, exclusive of the customary fees and commissions, there shall be deposited in the Treasury of the United States to the credit of the Indians belonging and having tribal rights on the said reservation the sums to which the said tribe may be entitled, which shall draw interest at 3 per cent per annum; that the moneys derived from the sale of said lands and deposited in the Treasury of the United States to the credit of said Indians shall be at all times subject to appropriation by Congress for their education, support, and civilization."

This reservation comprises 1,972,538 acres of land, practically all of which has been allotted. These Indians need better homes, improved live stock, modern agricultural implements, etc., besides which the usual and necessary agency activities in their behalf must be kept up, such as the pay of employees, the purchase of food, clothing, medical supplies, etc., for all of which other available funds will be insufficient.

Mr. MERITT. That is the same amount as last year.

The CHAIRMAN. Page 78, line 11:

UTAH.

SEC. 22. For support and civilization of Confederate Bands of Utes: For pay of two carpenters, two millers, two farmers, and two blacksmiths (article 15, treaty of March 2, 1868), \$6,720; for pay of two teachers (same article and treaty), \$1,800; for purchase of iron and steel and the necessary tools for blacksmith shop (article 9, same treaty), \$220; for annual amount for the purchase of beef, mutton, wheat, flour, beans, and potatoes, or other necessary articles of food and clothing, and farming equipment (article 12, same treaty), \$30,000; for pay of employees at the several Ute agencies, \$15,000; in all, \$53,740.

Mr. MERITT. That is a treaty item, Mr. Chairman. I offer for the record the following justification:

Support of Confederated Bands of Utes.

EMPLOYEES, ETC., UTAH.

Fiscal year ending June 30, 1920: Amount appropriated-----	\$23,740.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	23,740.00
Amount expended-----	20,396.99
Unexpended balance-----	3,343.01
Analysis of expenditures:	
Salaries, wages, etc-----	20,236.99
Outstanding liabilities-----	160.00
Total-----	20,396.99

SUBSISTENCE, UTAH.

Fiscal year ending June 30, 1920: Amount appropriated-----	\$30,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	30,000.00
Amount expended-----	29,724.73
Unexpended balance-----	275.27
Analysis of expenditures:	
Subsistence supplies-----	25,527.67
Outstanding liabilities-----	4,197.03
Total-----	29,724.73

This item is in the same amount allowed in previous years and is in part for the fulfillment of treaty obligations with these Indians.

Under the treaty of March 2, 1868 (15 Stats., 619) the United States agreed to provide the Ute Indians certain specified employees for their civilization and various items of subsistence necessary to their maintenance until such time as said Indians were found capable of sustaining themselves. The item is divisible into two parts, viz, employees and subsistence. The employees whose salaries are paid from this fund comprise clerks and those of the mechanical and industrial trades required in the civilization of these Indians. The rations are required to subsist the adult Indians as well as the children in the schools maintained for the benefit of these Indians.

The Indians who benefit by the aforesaid appropriation are 1,931 in number, of whom 1,110 are under the jurisdiction of the Uintah and Ouray Agency, Utah, and 821 under the jurisdiction of the Southern Ute and Ute Mountain agencies in Colorado.

The CHAIRMAN. How about the next item, line 23:

For the support and civilization of Indians in Utah, not otherwise provided for, including pay of employees, \$10,000.

Mr. MERITT. We offer for the record the following justification.

SUPPORT OF INDIANS IN UTAH.

Fiscal year ending June 30, 1920: Amount appropriated-----	\$10,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	10,000.00
Amount expended-----	7,249.65
Unexpended balance-----	2,750.35

Analysis of expenditures:

Salaries, wages, etc.....	\$2, 659. 90
Traveling expenses.....	772. 85
Transportation of supplies.....	45. 91
Telegraph and telephone service.....	3. 84
Subsistence supplies.....	389. 50
Dry goods, clothing, etc.....	182. 24
Forage.....	505. 50
Fuel, lubricants, power and light service.....	321. 43
Medical supplies, etc.....	260. 44
Live stock.....	125. 00
Equipment and miscellaneous material.....	1, 506. 42
Miscellaneous.....	50. 40
Outstanding liabilities.....	426. 22
Total.....	7, 249. 65

This appropriation provides for the support and civilization of the scattered bands of Indians, numbering approximately 1,846, of whom 397 are under the Goshute agency in Utah and 49 under the Fort Hall agency, Idaho. The remainder are not under the direct supervision of a superintendent at this time.

These Indians were formerly under a special agent, with headquarters at Salt Lake City, but it was found by placing them under the agencies named that closer supervision could be given them.

The Indians of the Goshute jurisdiction are widely scattered, making the cost of administration of their affairs larger than it would be were they located at a more central point. Efforts are being made to place these Indians on a self-supporting basis as early as possible, but considerable assistance and encouragement must continue to be rendered them before they are able to care for themselves independent of the Government.

The appropriation is used for the pay of necessary employees, traveling expenses, the purchase of subsistence and clothing for issue to the old and needy, fuel, forage, medical supplies, miscellaneous equipment, and incidental expenses.

While it will be noted from the analysis of expenditures that only \$7,249.65 of the appropriation was expended during the year 1919, it is believed, owing to the increased cost of supplies of all kinds, that the amount appropriated for the year 1920, and that estimated for the year 1921, will be required in their entirety.

The CHAIRMAN. Is that a treaty item?

Mr. MERITT. No, sir; but the same amount as last year, and we need the full amount.

The CHAIRMAN. Page 79, line 1.

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, within his discretion, the sum of \$350,000 of the principal funds to the credit of the Confederated Bands of Ute Indians and to expend the sum of \$50,000 of said amount for the benefit of the Ute Mountain (formerly Navajo Springs) Band of said Indians in Colorado, and the sum of \$200,000 of said amount for the Uintah, White River, and Uncompahgre bands of Ute Indians in Utah, and the sum of \$100,000 of said amount for the Southern Ute Indians in Colorado, which sums shall be charged to said bands, and the Secretary of the Interior is also authorized to withdraw from the Treasury the accrued interest to and including June 30, 1920, on the funds of the said Confederated Bands of Ute Indians appropriated under the act of March 4, 1913 (Thirty-seventh Statutes at Large, page 934), and to expend or distribute the same for the purpose of promoting civilization and self-support among the said Indians, under such regulations as the Secretary of the Interior may prescribe: *Provided*, That the Secretary of the Interior shall report to Congress, on the first Monday in December, 1921, a detailed statement as to all moneys expended as provided for herein.

Mr. CARTER. That item is the result of a court judgment, is it not?

Mr. MERITT. Yes, sir; and we are paying out to those Indians the money to their credit, the same amount as last year. I offer for the record the following justification:

Confederated Bands of Utes 4 per cent fund.

SOUTHERN UTE.

Fiscal year ending June 30, 1920: Amount authorized-----	\$100,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	100,000.00
Amount expended-----	90,841.63
Unexpended balance-----	9,158.37
Analysis of expenditures:	
Equipment and miscellaneous material-----	2,267.28
Per capita payment-----	88,560.00
Miscellaneous-----	14.35
Total-----	90,841.63

UINTAH.

Fiscal year ending June 30, 1920, amount appropriated-----	\$200,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	200,000.00
Amount expended-----	154,083.98
Unexpended balance-----	45,916.02
Analysis of expenditures:	
Salaries; wages, etc-----	23,003.05
Telegraph and telephone service-----	173.41
Subsistence supplies-----	2,295.00
Forage-----	1,958.00
Live stock-----	2,772.50
Equipment and miscellaneous material-----	5,549.03
Developing allotments-----	20,601.49
Seed-----	3,177.50
Per capita payment-----	94,365.00
Miscellaneous-----	189.00
Total-----	154,083.98

UTE MOUNTAIN.

Fiscal year ending June 30, 1920: Amount appropriated-----	\$50,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	50,000.00
Amount expended-----	18,282.59
Unexpended balance-----	31,717.41
Analysis of expenditures:	
Salaries, wages, etc-----	9,742.74
Traveling expenses-----	6.00
Forage-----	6,582.49
Live stock-----	625.00
Equipment and miscellaneous material-----	316.36
Construction of buildings-----	1,000.00
Repair of buildings-----	10.00
Total-----	18,282.59

SUPPORT.

Fiscal year ending June 30, 1920: Authorized to use the interest accrued to June 30, 1919.

Fiscal year ended June 30, 1919:

Authorized to use the interest accrued to June 30, 1918.

Amount expended.....	\$62, 271. 02
Analysis of expenditures:	
Salaries, wages, etc.....	18, 411. 43
Traveling expenses.....	919. 94
Transportation of supplies.....	733. 38
Telegraph and telephone service.....	129. 02
Stationery, printing, schoolroom supplies.....	6. 70
Subsistence supplies.....	3, 205. 55
Dry goods, clothing, etc.....	183. 92
Forage.....	9, 184. 41
Fuel, lubricants, power, and light service.....	5, 284. 90
Medical supplies, etc.....	1, 405. 62
Live stock.....	300. 00
Equipment and miscellaneous material.....	9, 496. 81
Developing allotments.....	4, 067. 86
Seed.....	7, 841. 76
Miscellaneous.....	1, 099. 72
Total.....	62, 271. 02

SCHOOLS.

Fiscal year ending June 30, 1920: Authorized to use the interest accrued to June 30, 1919.

Fiscal year ended June 30, 1919:

Authorized to use the interest accrued to June 30, 1918.

Amount expended.....	\$95, 368. 28
Analysis of expenditures:	
Salaries, wages, etc.....	18, 141. 55
Traveling expenses.....	40. 00
Transportation of supplies.....	5, 312. 25
Stationery, printing, schoolroom supplies.....	121. 55
Subsistence supplies.....	847. 38
Dry goods, clothing, etc.....	5, 236. 74
Forage.....	282. 80
Fuel, lubricants, power and light service.....	2, 744. 79
Medical supplies, etc.....	44. 75
Live stock.....	883. 30
Equipment and miscellaneous material.....	2, 113. 16
Construction of buildings.....	59, 315. 51
Repair of buildings.....	190. 75
Miscellaneous.....	143. 75
Total.....	95, 368. 28

The act of March 1, 1913 (37 Stat. L., 934), provides for the payment of the net amount of the judgment of the Court of Claims in favor of the Confederated Bands of Ute Indians (\$3,305,257.19), to remain in the Treasury of the United States to the credit of said Indians, and to bear interest at the rate of 4 per cent per annum, from February 13, 1911, both principal and interest to be available under annual authorization by Congress for cash payment to said Indians or expenditure for their benefit in the discretion of the Secretary of the Interior. Pursuant thereto, for the past several years Congress has annually authorized the withdrawal of varying amounts from the principal fund, plus the accumulated interest each year, the appropriation now asked for being the same as that made last year.

Southern Ute.—These Indians (the Southern Utes) were allotted several years ago in 80 and 160 acre tracts. The allotments, however, are only partially developed, although good progress has been made during the past few years. The sum of \$50,000 appropriated from the principal of this fund for the Southern Ute Indians in the appropriation act for the fiscal year 1917, was

the first authorization therefrom for the benefit of these particular Indians, and the appropriation last year was \$100,000. It has been customary to segregate the greater portion of the amounts appropriated into individual shares, and to deposit the same in bank to the credit of each Indian, subject to expenditure under the individual Indian regulations for purposes beneficial to the allottees, such as the purchase of live stock, implements, building material, and furniture. An irrigation project has been constructed on this reservation at a total cost of \$241,922.51, 5,160 acres being within service ditches, on June 30, 1918. In order to reach the proper benefit from this expenditure, the Indians must be provided with additional teams, agricultural implements, seed, and other supplies for developing their allotments.

Utah and Ouray.—The sum of \$200,000 from the principal of this fund was authorized last year for the Indians of this jurisdiction. The greater portion of this amount was segregated into individual shares and deposited to the credit of individual Indians for use in developing their allotments, and saving the water rights to which State laws as to beneficial use had been made applicable by Congress. An extensive irrigation system has been constructed on this reservation at a total cost of \$1,154,738.31, 80,701 acres being within service of ditches on June 1, 1918.

Ute Mountain.—There is also included in this item \$50,000 for the Indians of the Ute Mountain (formerly Navajo Springs) Reservation, in Colorado. The Indians of this reservation have not been allotted. They are perhaps, the least progressive of any of the Utes, being greatly in need of better homes, improved live stock, etc. If authorized, the greater portion of the \$50,000 asked for herein will probably be segregated into individual shares and deposited in bank to the credit of each Indian for expenditure under the individual Indian money regulations, although some it may be used for the purpose of water development which is badly needed as a prerequisite to the inauguration of an aggressive campaign to develop the live stock on this reservation, for which it is best adapted.

It is believed that the amounts asked for herein are absolutely essential to the successful continuation of the industrial program now being prosecuted among the Ute Indians, in order to make of them independent, self-supporting citizens of the community.

The CHAIRMAN. Page 79, line 23.

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, within his discretion, the sum of \$127,200 of the principal funds to the credit of the Confederated Bands of Ute Indians and to expend same for continuing the construction of lateral distributing systems to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes, in Utah, and to maintain existing irrigation systems authorized under the act of June 21, 1906. *Provided*, That the sum of \$55.85 of this appropriation shall be available for the reimbursement of Joseph M. Bryant, formerly engineer in charge of the Uintah irrigation project, for money paid by him for blacksmith service, in the course of his employment, for the benefit of the irrigation service.

Mr. MERITT. We offer for the record the following justification:

Confederated bands of Utes 4 per cent fund.

IRRIGATION.

Fiscal year ending June 30, 1920: Amount authorized.....	\$100,000. 00
Fiscal year ended June 30, 1919:	
Amount appropriated.....	150,000. 00
Amount expended.....	135,140. 88
Unexpended balance.....	14,859. 12
Analysis of expenditures:	
Salaries, wages, etc.....	85,214. 57
Traveling expenses.....	2,484. 10
Transportation of supplies.....	3,625. 66
Telegraph and telephone service.....	98. 42
Stationery, printing, binding, and schoolroom supplies.....	67. 48

Analysis of expenditures—Continued.

Forage	\$4, 419. 19
Fuel, lubricants, power, and light service.....	2, 104. 81
Equipment and miscellaneous material.....	2, 744. 33
Rent of buildings.....	277. 50
Salary and expenses of water commissioner.....	2, 235. 61
Miscellaneous.....	60. 55
Outstanding liabilities.....	21, 808. 66
Total	135, 140.88

Indian tribes: Uintah, Uncompahgre, and White River Utes.

Number of Indians, 1,164.

Area of reservation, 2,048,000 acres.

Irrigation project started, 1906.

Work done by force account, using principally Indian labor.

Area of irrigable land under project, 85,514 acres.

Area of irrigable land under constructed works, 80,094 acres.

Area actually irrigated, 55,363 acres.

Area of irrigable land cultivated by Indians, 13,036 acres.

Area of irrigable land cultivated by lessees and by white owners, 42,327 acres.

Cost of construction to June 30, 1919, \$889,612.82.

Cost of operation, maintenance, and miscellaneous to June 30, 1919, \$397,407.84.

Operation and maintenance charges are collected from white water users.

Estimated additional cost to complete, none.

Estimated cost per acre when completed, \$18.

Average value of irrigated land per acre, \$30.

Average annual precipitation, 9 inches.

Source of water supply, Green River tributaries.

Crops produced: Alfalfa, wheat, potatoes, rye, oats, barley.

Market for products: Local; fair.

Distance from railroad, 90 miles.

A great effort has been made to bring the lands of the Uintah irrigation system under cultivation by July 1, 1919, in order to comply with State laws; however, prior to July 1, 1919, by order of the court, the time in which this system could be completed was extended to January 1, 1921. At this time nearly all of the irrigable area has been brought under construction works, and a large part of it has been placed under actual irrigation and cultivation. Very much work remains to be done to perfect this system and, owing to the rough nature of a part of the country, a very considerable sum is required annually for maintaining the canals in good condition. Spring floods annually damage these canals and not infrequently cause breaks which demand the immediate attention of all men available in order to save growing crops. White lessees and owners are required to pay their proportionate share of the operation and maintenance charges, but the Indians have not reached a stage where they can be required to contribute their share of the cost. It is estimated that not less than the sum herewith requested will be required to continue the extension of the system and pay the Indians' proportion of the operation and maintenance charges during the fiscal year 1921.

The necessity for the request covering the reimbursement to Joseph M. Bryant arises as a result of an interpretation placed by the auditor upon the availability of funds used by Mr. Bryant in payment for blacksmith services while he was engineer in charge of the Uintah project. Mr. Bryant, whose operations were carried on independent of the agency forces at Uintah, employed the agency blacksmith to do his repair work outside of the blacksmith's regular hours of employment, and during the course of several months paid him a total sum of \$55.85. The auditor has held that, being in the service of the Government, this blacksmith could have been required and, therefore, should have been required to have performed this additional service without increased compensation; however, as a matter of fact, Mr. Bryant did pay this sum to the blacksmith and he has been required to reimburse the Treasury accordingly. The nearest other blacksmith to the project at the time in question required the loss of from two to three days' time on the part of employees taking broken equipment to the blacksmith as well as the loss of the use of valuable machinery during such time. Mr. Bryant's intentions were undoubtedly for the

benefit of the service, and further, it seems not unreasonable that the blacksmith should have had additional pay for service rendered by him outside of his regular hours of employment.

The CHAIRMAN. Now, Mr. Meritt, this seems to be an irrigation project, and you are not only asking for \$100,000, but you are adding \$27,000.

Mr. MERITT. Yes, sir. Mr. Chairman, you will note that this money does not come out of the Treasury of the United States, but out of funds belonging to the Ute Indians.

The CHAIRMAN. What funds have they got?

Mr. MERITT. They have in the Treasury at this time \$1,413,310. This project is practically completed. We need this additional appropriation to carry on the necessary work on the field laterals. We have persuaded a large number of white people to go into the Uintah country and take up land, and we have not heretofore been able to furnish them with sufficient water to protect their crops, and inasmuch as this is only a small appropriation compared with the total amount that has been heretofore made for this project, we would like very much to have this entire appropriation.

The CHAIRMAN. What have you got to say about that, Mr. Rhodes?

Mr. RHODES. I do not think that would be subject to the same objection that these other large items were subject to for the reason that it is not, strictly speaking, a reimbursable appropriation. It simply authorizes the withdrawal of the Indians' funds directly from the Treasury for that purpose and if Mr. Meritt—

The CHAIRMAN. I am satisfied with the explanation.

Mr. RHODES (continuing) is certain that these funds are necessary in order to complete or rather perfect the incomplete project, I should have no objection.

Mr. MERITT. They are necessary, Mr. Chairman, and also we have a limited time under the water-right laws of the State of Utah in which to get this land under cultivation, and we would be derelict in our duty if we did not get those lands actually under cultivation.

Mr. CARTER. You mean that if you do not get them under cultivation the Indians would lose the water rights?

Mr. MERITT. Yes because Congress has passed laws extending the laws of Utah to this project.

The CHAIRMAN. I am satisfied. We will O. K. the item.

Mr. HAYDEN. I note, Mr. Meritt, that the appropriation made last year of \$12,000 for the day public schools in Uintah and Duchesne Counties, Utah, has been stricken from the bill. What is the reason?

Mr. MERITT. We have not heretofore estimated for the amount. It has been included in the bill at the request of either a Representative or one of the Senators from Utah.

Mr. HAYDEN. Is there any reason why Ute Indian funds should not be used to maintain these schools? The white people are there on the Indian lands, and their children must be provided with school facilities. If the Indian lands can not be taxed to maintain these schools should we not withdraw from the Treasury \$12,000 of the Ute funds and keep these schools going?

Mr. MERITT. That would be satisfactory provided they would add a proviso that the Indian children shall at all times be admitted on equal terms with white children to the public schools.

Mr. CARTER. Then, in that case, you would be taxing the Indian for the support of the white people's school, wouldn't you?

Mr. HAYDEN. If the white people could tax the Indian land they would support their own school. They can not do it, and the schools can not be supported without some sort of taxation.

Mr. CARTER. That is the only item carried since I have been in Congress for gratuitous education of white people.

Mr. HAYDEN. I realize that. On the other hand, I want to see something done to promote the education of the children. They are entitled to education. Now, if the white people can not raise the money to educate them because they are living on Indian lands, which are untaxed, and Congress does not appropriate the money from the Treasury, there is only one other source from which to obtain it and that is from Indian funds, which Mr. Meritt said could be done if Indian children were admitted to the schools.

Mr. CARTER. We have the same general situation in several counties where there are no Indian lands taxed. Now, the way that was met was by the \$225,000 proposition, which pays not for the white people's children, but for the Indian school, not the white men's school, and by doing that they were able to maintain the school this way.

Mr. HAYDEN. I do not like to see the entire idea of education abandoned. If the State of Utah was given permission to tax the Ute lands, of course, the State would not ask us for any appropriation, but they are not allowed to tax Indian land. So, what can we do to keep up these schools?

The CHAIRMAN. It seems to me that the State of Utah ought to be interested as much as we, and there does not seem to be anybody from Utah who is particularly interested in the proposition.

Mr. HAYDEN. This gratuity appropriation was obtained by the efforts of the delegation in Congress from the State of Utah.

The CHAIRMAN. Where are they?

Mr. HAYDEN. Mr. Wheling has spoken to me about the matter. That is why I am bringing it to the attention of the committee. He is anxious to have something done in that regard, and if Mr. Meritt can prepare language that is satisfactory to the Indian Office, I think we might do it that way.

Mr. MERRITT. Inasmuch as this appropriation will be used very largely for the benefit of white people, we feel that it should be a gratuity appropriation out of the Treasury rather than paid out of Indian funds.

The CHAIRMAN. I think I would be opposed to that.

Mr. MERRITT. That is the form in which it has been made heretofore. But in the event that the item is included in the bill out of Indian funds, we think that it certainly should contain a proviso that Indian children should be at all times admitted to the schools on equal terms with the white children.

The CHAIRMAN. There can not be any question about that if you are going to use the Indians' money for the education of the Indians; you certainly can not set up an institution and then have somebody say that the Indians can not go there.

Mr. HAYDEN. Might I suggest this: That we pass the matter over and allow Mr. Meritt to prepare suitable language which he can submit to the committee later?

The CHAIRMAN. I am entirely willing.

Mr. MERITT. I understand that you wish me to prepare an item to support those schools out of tribal funds?

Mr. HAYDEN. Yes.

The CHAIRMAN. That we ask you to submit it with the idea of our passing on it at a later time.

Mr. RHODES. Mr. Chairman, what has been said just now in regard to the use of Indian funds for white schools has reminded me that I should have asked Mr. Meritt one other question in regard to this increased appropriation a while ago about authorizing the Secretary of the Interior to withdraw from the Treasury certain funds for this particular project. Is this for the improvement of a project that is distinctly for the use of the Indians?

Mr. MERITT. It is an Indian project, but a considerable part of the land has been leased to white lessees in order to get it under cultivation.

Mr. RHODES. If it is leased, they are indirectly interested and get a benefit from it.

Mr. MERITT. And they, of course, pay rent for the land and also the water charge.

Mr. RHODES. I was thinking that the objection might lie to the other proposition it would not be fair to take Indians' money and use on a project that is not for the Indians.

Mr. CARTER. But the lands belong to the Indians.

Mr. RHODES. They are both directly and indirectly beneficiaries.

Mr. CARTER. If the land is improved, the Indian gets the benefit.

The CHAIRMAN. Page 80, line 16:

That the Secretary of the Interior be and he is hereby, authorized to divide the trust funds belonging to the Confederate Bands of the Ute Indians known as the "Ute 5 per centum fund" arising under the act of April 29, 1874 (Eighteenth Statute at Large, page 41), and the "Confederated Bands of Utes 4 per centum fund" arising under the act of March 4, 1913 (Thirty-seventh Statutes at Large, page 934), between the Uintah, White River, and Uncompaghe Bands in Utah, the Ute Mountain (formerly Navajo Springs) Band, in Colorado, and the Southern Ute Band in Colorado, on the basis of the number of persons comprising the three respective groups as shown by the latest available census rolls; and the Secretary of the Treasury, upon request of the Secretary of the Interior, is authorized and directed to make such transfer of funds on the books of his department as may be necessary to effect the purpose of this section: *Provided*, That the sums expended from the said "Confederated Bands of Utes 4 per centum fund" for the benefits of the respective bands under authority of this and former acts of Congress shall be charged to said bands in the final division of said fund: *Provided, further*, That any and all future accruals to the aforesaid funds shall be divided and credited to the said bands on the basis of membership as shown by the latest available census rolls: *And provided further*, That any accumulation of interest on the aforesaid funds remaining available at the time of the division herein authorized shall also be divided and placed to the credit of the various groups or branches of the tribe on the same basis as that adopted for division of the principal funds.

Mr. MERITT. We offer for the record the following justification:

The Indian appropriation acts for the fiscal years 1915, 1916, 1917, 1918, 1919, and 1920 have authorized the Secretary of the Interior to withdraw from the Treasury certain lump sums from the principal fund of the confederated bands of Ute Indians and to expend the same for particular band or bands with a proviso that such "sums shall be charged to said bands." The language of the several appropriation acts for the years mentioned evidently contemplated that at some future time there should be an accounting of the funds of the Ute In-

dians so as to charge the different bands with the amounts actually expended for their benefits which can only be done by a segregation of the funds so as to credit each branch of the tribes with the part thereof to which it is entitled. In order to accomplish that purpose this legislation is requested. In view of the fact that the Confederated Bands of Ute Indians are under three separate and distinct jurisdictions of the Government, viz, Uintah Agency, Utah; Southern Ute School, Colo., and Ute Mountain School, Colo., it is believed in order to insure an equitable expenditure of the "Ute 5 per cent fund" arising under the act approved April 29, 1874 (18 Stats. L. 41), which amounts at present to \$440,781.02, it should also be divided on a basis of the latest complete census and credited to the respective bands entitled thereto, together with the accrued interest thereon.

The CHAIRMAN. Well, how long has this money been accumulating, a great many years?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Has there never been any distribution at all or adjustment of the accounts between the three bands?

Mr. MERITT. No, sir.

The CHAIRMAN. This is the first time you have ever started to divide the money up?

Mr. MERITT. Yes, sir. They are on three separate reservations and instead of handling it as one fund we propose to segregate it.

The CHAIRMAN. Tell us just what you mean by the Ute 5 per cent fund.

Mr. MERITT. That is a fund in the Treasury of the United States credited to the Ute Indians, and is drawing 5 per cent interest.

The CHAIRMAN. I see, this gross amount here is drawing 5 per cent interest?

Mr. MERITT. Yes, sir.

The CHAIRMAN. And the sooner you get it divided up the sooner the interest will stop?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Is that the idea?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Well, what has been the objection to dividing it up heretofore?

Mr. MERITT. None at all. There has been no objection from any source, but it is the only lump Indian fund in the Treasury at this time, and inasmuch as these Indians now live under three separate jurisdictions, we thought that the fund should be divided according to their share.

The CHAIRMAN. Where would the expense of the effort necessary to segregate those funds come from?

Mr. MERITT. There would be no expense. We would simply have our finance division arrange with the Treasury Department to deposit the money to the credit of each.

The CHAIRMAN. Are these bands asking to have this money divided up?

Mr. MERITT. They have not asked to have it divided, but it is the proper method of handling the finances.

The CHAIRMAN. Wouldn't it be good business on the part of the Government to divide this fund up and get rid of the 5 per cent payment?

Mr. MERITT. Yes, sir; that will be done eventually. We have legislation on the statute books now that will enable us to pro rate those funds.

The CHAIRMAN. Why do you need this legislation now?

Mr. MERITT. Because these Indians are not advanced to the point where we want to turn it over now.

The CHAIRMAN. If you have authority to segregate and divide up the funds, why do you need further authority?

Mr. MERITT. That authority applies to Indian funds. This authority that we are requesting is simply for the purpose of dividing it up among the tribes.

The CHAIRMAN. After that is done, the question of distributing to individuals is another matter?

Mr. MERITT. Yes, sir.

The CHAIRMAN. I do not see any objection to that legislation. If that is agreeable, we will O. K. that, and adjourn until Monday morning at 10.

Thereupon, at 5.15 o'clock p. m., the committee adjourned until Monday, December 15, at 10 o'clock a. m.

COMMITTEE ON INDIAN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Monday, December 15, 1919.

The subcommittee met at 10 o'clock a. m., Hon. Homer P. Snyder (chairman) presiding.

The CHAIRMAN. The item on page 68 is to be left as it is.

Mr. HASTINGS. In view of the fact that Mr. Meritt did not have the number of children in attendance at this school, I would like to state that I have a letter from the superintendent under date of November 5, 1919, in which he gives the number in attendance there as 164. The reason that Mr. Meritt had a smaller number was that a little more than a year ago we authorized an additional dormitory there, and that doubled the capacity. The additional reason why this increased expenditure is now asked there is that in the act of May 25, 1918, they took remnants of money belonging to the Cherokee Nation to build an additional dormitory at this place for the accommodation of those children. The time expired for filing claims on that project the 25th of November, and there are some \$45,000 to \$50,000 that the Cherokee Nation is giving to complete this dormitory. This assembly hall was sufficient when they only had a capacity for about 50 or 60 children, so that with the two additional dormitories built it will be readily seen why this increase should be made. I want to say that in justification.

The CHAIRMAN. You will defend this item on the floor if it is questioned?

Mr. HASTINGS. I will be glad to.

The CHAIRMAN. Mr. Meritt, will you tell us what you have to say about the necessity for these improvements there?

Mr. MERITT. As Mr. Hastings has stated, we have recently increased the capacity for that school, and the present school buildings and assembly hall are entirely inadequate to meet the present enrollment. Our records show that we have capacity at that school of 160 and we need these additional buildings.

Mr. RHODES. What was the attendance there last year?

Mr. MERITT. The average enrollment was 129, but the average attendance was somewhat low.

The CHAIRMAN. Sixty-one.

Mr. HASTINGS. That was because that dormitory was not completed. There has been a new dormitory completed during the past year. The attendance is 164, according to a letter here, which I will put into the record. In addition, I will call attention to the report of the Board of Indian Commissioners, on page 112, which gives the attendance there at the present time as 160.

(The letter referred to is as follows):

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
CHEROKEE ORPHAN TRAINING SCHOOL,
Tahlequah, Okla., November 5, 1919.

Hon. W. W. HASTINGS,
Washington, D. C.

MY DEAR MR. HASTINGS: I am taking the liberty of writing you relative to the purchase of 10 acres of land, which I took up recently with the office. I believe that you could consider this an excellent buy. Since no appropriation of funds would be necessary, I am writing you to inquire if the necessary authority may be incorporated into the Indian bill.

We have 164 children belonging in school, but a few deserters have taken our average attendance for the month of October down to 154. I am confident that our average attendance for the year will be not less than 150, which number, I am sure, should justify the school building and assembly hall, regarding which I wrote you some time ago. Could you consistently inquire at the Indian Office if these items are to be included in the bill?

I had anticipated going down to Washington prior to this, but urgent matters have caused me to delay my trip. However, I am still planning on going East and trust that while in Washington you will be able to accompany me to the Indian Office to take up some other matters of improvements. With kind personal regards, believe me,

Sincerely, yours,

JAMES P. RYDER, *Superintendent.*

The CHAIRMAN. If there is no objection, we will approve that item, and it will stand at \$71,500, and we will turn to page 81, line 20, which the clerk will read. These items are treaty items, and we will be able to proceed fast.

WASHINGTON.

SEC. 23. For support and civilization of the D'Wamish and other allied tribes in Washington, including pay of employees, \$7,000.

Mr. MERITT. We offer for the record the following justification:

Support of D'Wamish and other allied tribes in Washington.

Fiscal year ending June 30, 1920, amount appropriated.....	\$7,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated.....	7,000.00
Amount expended.....	6,092.43
Unexpended balance.....	907.57
Analysis of expenditures:	
Salaries, wages, etc.....	3,572.00
Traveling expenses.....	35.23
Telegraph and telephone service.....	84.84
Stationery, printing, schoolroom supplies.....	232.50
Forage.....	430.99
Fuel, lubricants, power and light service.....	562.00

Analysis of expenditures—Continued.

Medical supplies, etc.....	\$331.96
Equipment and miscellaneous material.....	101.93
Miscellaneous	4.48
Outstanding liabilities.....	736.50
Total.....	6,092.43

This appropriation is required for the support and civilization of approximately 1,321 Indians who reside on four widely separated reservations under the jurisdiction of the superintendent of the Tulalip Agency, Wash.

The fund, as the analysis shows, is used for the pay of employees required in looking after the interests of these Indians, the purchase of forage, fuel, and medical supplies, equipment, and the meeting of miscellaneous expenses arising in the conduct of business for the Indians who benefit hereunder.

These Indians have no tribal funds of any consequence, hence the full amount will be required.

(The clerk read the next item, as follows:)

For support and civilization of the Makahs, including pay of employees, \$2,000.

Mr. MERITT. We offer for the record the following justification:

Support of Makahs, Washington.

Fiscal year ending June 30, 1920, amount appropriated..... \$2,000.00

Fiscal year ended June 30, 1919:

Amount appropriated.....	2,000.00
Amount expended	1,865.12

Unexpended balance.....	<u>134.88</u>
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Analysis of expenditures:

Salaries, wages, etc.....	651.67
Traveling expenses.....	20.00
Telegraph and telephone service.....	.25
Subsistence supplies.....	34.40
Forage	98.70
Fuel, lubricants, power, and light service.....	88.40
Medical supplies, etc.....	187.45
Equipment and miscellaneous material.....	688.26
Outstanding liabilities.....	95.99

Total.....	1,865.12
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This appropriation is used for the administration of the affairs of 409 Makah Indians who come under the jurisdiction of the Neah Bay Agency, Wash. The amount asked for is used for the pay of one clerk, the purchase of forage, fuel, medical supplies, equipment, and miscellaneous materials, and incidental expenses arising in the administration of the affairs of these Indians.

(The clerk read the next item, as follows:)

For support and civilization of Quinaielts and Quillehutes, including pay of employees, \$1,000.

Mr. MERITT. We offer for the record the following justification:

SUPPORT OF QUINAIELTS AND QUILLEHUTES, WASHINGTON.

Fiscal year ending June 30, 1920:

Amount appropriated.....	<u>\$1,000.00</u>
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Fiscal year ended June 30, 1919:

Amount appropriated.....	1,000.00
Amount expended	674.68

Unexpended balance.....	<u>325.32</u>
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Analysis of expenditures :

Traveling expenses	\$110.35
Transportation of supplies	5.75
Telegraph and telephone service	7.95
Subsistence supplies	20.25
Dry goods, clothing, etc	8.45
Fuel, lubricants, power and light service	156.00
Medical supplies, etc	111.95
Equipment and miscellaneous material	161.88
Miscellaneous	34.00
Outstanding liabilities	58.10
Total	674.68

This item covers administrative expenses of the Neah Bay and Taholah Agencies, which have jurisdiction over 938 Quinaltets and Quillehutes. The appropriation, as will be noted from the analysis of expenditures, is used for the pay of traveling expenses, fuel, medical supplies, equipment, miscellaneous materials, and general expenses incident to the administration of the affairs of these Indians.

It is anticipated that the full amount of this appropriation will be required during the fiscal year 1921, owing to the increased cost of supplies, etc.

(The clerk read the next item, as follows:)

For support and civilization of Indians at Yakima Agency, including pay of employees, \$3,000.

Mr. MERITT. We offer for the record the following justification:

Support of Indians, Yakima Agency, Wash.

Fiscal year ending June 30, 1920, amount appropriated	\$3,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated	3,000.00
Amount expended	2,909.18
Unexpended balance	90.82

Analysis of expenditures:

Salaries, wages, etc	374.00
Traveling expenses	166.28
Transportation of supplies	246.63
Telegraph and telephone service	5.50
Subsistence supplies	418.36
Forage	258.23
Fuel, lubricants, power, and light service	457.10
Medical supplies, etc	258.68
Equipment and miscellaneous material	724.40
Total	2,909.18

The Indians who benefit under this appropriation are 2,933 in number and are under the supervision of the Yakima Agency, Wash. There are a number of old and needy Indians to whom subsistence is issued owing to their inability to provide for themselves. The appropriation is also used for the general expenses of the agency, such as the purchase and transportation of fuel and illuminants, forage, medical supplies, necessary equipment, traveling expenses, and irregular labor.

(The clerk read the next item, as follows:)

For support and civilization of Indians at Colville, Taholah, Puyallup, and Spokane Agencies, including pay of employees, and for purchase of agricultural implements, and support and civilization of Joseph's Band of Nez Perce Indians in Washington, \$13,000.

Mr. MERITT. We offer for the record the following justification:

Support of Indians of Colville and other agencies and Joseph's Band of Nez Perces, Washington.

Fiscal year ending June 30, 1920, amount appropriated..... \$13,000.00

Fiscal year ended June 30, 1919:

Amount appropriated.....	13,000.00
Amount expended.....	13,000.00

Analysis of expenditures:

Salaries, wages, etc.....	4,094.84
Traveling expenses.....	18.50
Transportation of supplies.....	579.70
Telegraph and telephone service.....	15.70
Subsistence supplies.....	727.31
Dry goods, clothing, etc.....	.70
Forage.....	4,227.44
Fuel, lubricants, power and light service.....	699.07
Medical supplies, etc.....	748.06
Equipment and miscellaneous material.....	1,853.45
Miscellaneous.....	35.24

Total..... 13,000.00

The expenses of administration of four agencies are met in part from this appropriation, namely, Colville, Cushman, Spokane, and Taholah, which have jurisdiction over 6,047 Indians, tribal funds being used when available to supplement this appropriation, which does not meet all the expenses of these agencies.

As will be noted from the analysis, the entire amount was expended during the fiscal year 1919 and was used for the pay of necessary agency employees, the purchase of subsistence for issue to old and needy Indians, forage for stock at the several agencies, transportation, and miscellaneous items of expense.

The share of the Quinaielt Indians in the item of \$1,000 for the "support of the Quinaielt and Quillehutes" and the treaty item of \$1,000 for the "support of Spokanes" are the only other support items which contribute to the support of two of these agencies.

STATEMENT OF HON. ALBERT JOHNSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON.

Mr. JOHNSON. You have just read the Quinaielts item?

The CHAIRMAN. Yes.

Mr. JOHNSON. When I discuss this matter of the school I want to discuss the Quinaielts also.

The CHAIRMAN. Yes. If you desire to say anything with reference to the reduction of any of these items that were read, we will be very glad to hear it.

Mr. JOHNSON. I do not care about the reduction. If they were all wiped out, I would be pleased, except the irrigation matter.

The CHAIRMAN. Do you think they should be wiped out?

Mr. JOHNSON. The quicker we can get rid of the Commissioner of Indian Affairs and the bureau's control from the State of Washington the better it will be. I will take a little time to say that each and every year I have had occasion to follow it it has become steadily worse for the Indians of northwest Washington.

The CHAIRMAN. These are all small items we are dealing with. Is it your understanding that the reason the items are so small is that the activities are finally working to a close?

Mr. JOHNSON. I hope so. Here is this treaty arrangement for the support of the Taholah, Puyallup, and Spokanes, including a

payment of money—\$13,000. That covers from one side of the State to the other side—400 miles—and covers Indians now appropriated for in the names of Puyallup and Taholah.

The CHAIRMAN. Do they need this attention on the part of the Indian Bureau?

Mr. JOHNSON. All I know is every once in a while I have to send a letter to the Indian Office to see that some Indian gets a cook stove and feeds his children, or to provide a coffin for the dead body of an Indian lying on the platform of a railroad station because the undertaker refuses to take the case because the pay is so slow in coming. It either ought to be no Federal management or some Federal management. The time has come for a showdown.

The CHAIRMAN. With whom?

Mr. JOHNSON. A good many people saw this poor dead Indian lying at a little faraway railroad station. Who knows about the ones buried back in the trees? Who knows about the ones that needed the cook stove? The agents do not.

Now the bureau would wipe out the educational institution, the Cushman, partly supported with what is left of the Puyallup tribal funds. Who knows anything about the 1,000 Indians of the Quinaielts, each and every one of them worth half a million dollars, in his mind, held for him by the Government? They just want to strike down the school, the only thing the Government has ever done—poor, dilapidated, unpainted, in the beautiful city of Tacoma, with each and every succeeding superintendent more worthless, until finally they have to abandon it.

The CHAIRMAN. Does the assistant commissioner care to reply to the statement made by the gentleman from Washington?

Mr. MERITT. When we reach the school which is proposed to be eliminated in the State of Washington I will be glad to make a statement.

Mr. JOHNSON. I have a further statement when we reach the proper item.

The CHAIRMAN. The clerk will read the next item, page 82, line 10.

For support of Spokanes in Washington (art. 6 of agreement with said Indians, dated Mar. 18, 1887, ratified by act of July 13, 1892), \$1,000.

Mr. MERITT. We offer for the record the following justification:

Support of Spokanes, Washington.

Fiscal year ending June 30, 1920, amount appropriated.....	\$1,000
Fiscal year ended June 30, 1919:	

Amount appropriated	1,000
Amount expended.....	1,000

Analysis of expenditures:

Salaries, wages, etc.....	980
Fuel, lubricants, power, and light service.....	20

Total.....	1,000
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To enable a compliance with article 6 of the agreement with the Spokane Indians, dated March 18, 1887, ratified by the act of July 13, 1892 (27 Stat., 120), under which the Government agreed to provide the Indians with certain employees necessary to instruct them in carpentry and blacksmithing, the sum of \$1,000 is required.

The CHAIRMAN. Page 82, line 21.

For the seventh and last installment in payment of \$635,000 for water supply for irrigation of forty acres of each Indian allotment on the Yakima Indian Reservation irrigation system in the State of Washington, provided by the act of August 1, 1914 (Thirty-eighth Statutes at Large, page 604). \$35,000, to be covered into the reclamation fund: *Provided*, That the land for which the aforesaid water supply was purchased shall be understood to be included within the Wapato irrigation project.

Mr. MERITT. We offer for the record the following justification:

Payment for water, Yakima Reservation, Wash.

Fiscal year ending June 30, 1920, amount appropriated-----	\$100,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	100,000.00
Amount expended-----	100,000.00
Analysis of expenditures, United States Reclamation Service, for fifth installment of charges for water-----	100,000.00

This item is requested for the purpose of meeting the last installment of the purchase price of a water right for the Yakima Indians as provided for by the act of August 1, 1914 (38 Stat., 582-604), wherein, in accordance with the recommendations by a joint congressional commission (S. Doc. No. 337, 63d Cong., 2d sess.), the sum of \$635,000 was authorized to be appropriated in installments on estimates to be certified to Congress by the Secretary of the Treasury, for the purchase from the Reclamation Service of a perpetual right to 720 cubic feet of water per second in lieu of water of which the commission determined the Indians had been theretofore unjustly deprived by the Government. This sum will be covered into the reclamation fund in accordance with the terms of the act.

Mr. HAYDEN. What is the necessity for reinserting the proviso—

That the land for which the aforesaid water supply was purchased shall be understood to be included within the Wapato irrigation project.

The CHAIRMAN. That language was inserted for the first time last year, and undoubtedly accomplished its purpose.

Mr. MERITT. It will be agreeable to strike that out.

The CHAIRMAN. Strike out, in line 2, beginning with the word "*Provided*," the balance of that paragraph.

Mr. HASTINGS. I understood last year that was descriptive, in some sort of way.

Mr. MERITT. It was, and we have no objection to its going in or coming out, and use that for the same purposes we have been using it.

Mr. HASTINGS. If this project was declared by Congress once to be part of the Wapato project, there is no use to repeat it.

The CHAIRMAN. Page 83, line 11:

That the Secretary of the Interior be, and he is hereby, authorized to sell and convey the land and buildings constituting the Cushman Indian School at Tacoma, Washington, at not less than their appraised value and on such terms and conditions as he may prescribe. The proceeds of such sale shall be deposited in the Treasury to the credit of the Puyallup Tribe of Indians and to the credit of the United States as their respective interests appear.

Mr. MERITT. We offer for the record the following justification:

Indian school, Tacoma, Wash.

Fiscal year ending June 30, 1920, amount appropriated-----	\$65,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	65,000.00
Amount expended-----	63,890.03
Unexpended balance -----	1,109.97

Analysis of expenditures:

Salaries, wages, etc.....	\$20, 127. 84
Traveling expenses.....	17. 00
Transportation of supplies.....	125. 80
Telegraph and telephone service.....	204. 77
Stationery, printing, schoolroom supplies.....	482. 67
Subsistence supplies.....	15, 730. 19
Dry goods, clothing, etc.....	8, 605. 40
Forage.....	3, 611. 70
Fuel, lubricants, power and light service.....	7, 355. 50
Medical supplies, etc.....	647. 07
Live stock.....	54. 00
Equipment and miscellaneous material.....	2, 347. 19
Repair of buildings.....	1, 947. 62
Miscellaneous.....	250. 31
Outstanding liabilities.....	2, 382. 97
Total.....	63, 890. 03

Statistical statement for year ending June 30, 1919:

Value of school plant (real property).....	\$296, 244
Number of buildings.....	40
Number of employees.....	32
Total salaries.....	\$23, 170
Average attendance of pupils.....	251
Average enrollment.....	413
Capacity.....	350
Cost per capita based on enrollment.....	\$150
Cost per capital based on average attendance.....	\$247
Area of school land (acres).....	43
Area of school lands (acres cultivated).....	11
Value of agricultural products.....	\$875
Value of other school products.....	\$1, 046
Indian moneys, proceeds of labor (school earnings) expended.....	None.
Superintendent's estimate of absolute needs for 1921: Support.....	\$67, 000

POSITIONS AND SALARIES, 1919.

Position.	Amount.	Position.	Amount.
Superintendent.....	\$1, 800	Cook.....	660
Disciplinarian.....	900	Laundress.....	500
Clerk.....	900	Baker.....	300
Assistant clerk.....	900	Assistant cook.....	300
Physician (contract).....	720	Manual training teacher.....	1, 000
Teacher.....	780	Do.....	1, 000
Do.....	690	Engineer.....	1, 230
Do.....	600	Tailor.....	900
Do.....	600	Carpenter.....	840
Do.....	600	Assistant engineer.....	840
Domestic science teacher.....	660	Gardener.....	720
Matron.....	660	Shoe and harness maker.....	780
Assistant matron.....	600	Fireman.....	300
Do.....	540	Laborer.....	500
Do.....	500	Do.....	500
Nurse.....	720		
Seamstress.....	660	Total.....	23, 170

Many of the pupils enrolled in the Cushman Indian School come from strictly agricultural and stock-raising districts, where they have allotments. Their future economic development will depend largely upon their ability to produce crops, in the raising of cattle, and maintaining themselves on their farms. The Cushman School can not give any valuable instruction along these lines as it has only about 43 acres of land, most of which is on a steep hillside. Moreover, many of these pupils could attend the public schools in the districts in which they live, therefore the natural constituency would probably not provide an enrollment of more than 200 at Cushman School, and these can be cared for at Salem and Tulalip.

¹ Based upon an attendance of 350 pupils.

Considering the educational facilities for the Indians of the entire north-western district, it is doubtful if one Indian child for whom the Government is under obligation to provide school facilities, would be denied the privileges of an education were the Cushman School discontinued.

In addition to that justification, Mr. Chairman, I wish to read into the record a letter that the Indian Office has written to Representative Johnson, explaining why we did not include in the bill this year estimates for the school.

The CHAIRMAN. Yes.

Mr. MERITT. This letter is as follows:

DECEMBER 9, 1919.

MY DEAR MR. JOHNSON: Referring to your informal inquiry with regard to the proposed closing of the Cushman School, you are advised as follows:

It is proposed to close the Cushman School at the end of the current school year for the reason that there are not sufficient Indian children within a reasonable distance to justify its continuance. The school has a capacity of 350 pupils, and so far this year the enrollment has not exceeded 210. In view of the per capita limit that may be expended under the existing law, the Cushman School can not be operated unless filled to capacity.

The opening up of reservations, particularly through the Northwest section, has been the means of establishing a public-school system throughout many of the reservations. The Indians, as a general rule, prefer to send their children to public schools where they may be at home at night rather than placing them in a boarding school at a distance, and it is now the general policy of the office to have as many children attend public schools as can be induced to do so where facilities are available. There are now more Indian children in public schools than in the Government schools, and this number, of course, will gradually increase as new public-school districts are organized. The recent amendments to the Indian school rules concerning the enrollment of Indian children will further reduce the number of children requiring capacity in Government boarding schools. Throughout the Northwest there is now more capacity than there are eligible children, and it is the policy to discontinue Government boarding schools when the children attending same who have not school facilities at their homes can be provided for in other Government schools. A number of schools have been closed in the last two or three years.

In order to bring the enrollment of the Cushman School up to its capacity, it has been necessary for a number of years to transfer pupils from Montana, Oregon, Idaho, and quite a large number from Alaska. The children drawn from these distant places who do not have ample school facilities at their homes can be cared for in schools nearer their homes. At the present time only a comparatively small number of children enrolled in the Cushman School live within a reasonable distance, and many of those enrolled have good school facilities at their homes.

The above are the essential reasons for the proposed closing of the schools, but there are others which have a material bearing in the matter. Practically all the children who attend this school should eventually become farmers and stock raisers, and there are no facilities in the Cushman School for instructions along this line. There is only a small garden plot for cultivation and it is necessary to purchase practically all subsistent supplies. This makes it particularly expensive at the present high cost to run the school; in fact, the superintendent has reported that the school can not be continued under the present per capita limit.

The question of closing the Cushman School has been under consideration for some time and has been thoroughly looked into. The office is satisfied that the discontinuance of this school will not deprive any Indian child from acquiring an education.

Very truly, yours,

E. B. MERITT,
Assistant Commissioner.

HON. ALBERT JOHNSON,
House of Representatives.

In addition to that letter, I would like to read into the record the report of the supervisor.

The CHAIRMAN. Have you a copy of that report?

Mr. JOHNSON. No. This is all done without my knowledge.

The CHAIRMAN. We will insert that in the record.

Mr. JOHNSON. Mr. Chairman, I would like to hear the report of the supervisor. I have known nothing about it up to this time. It is done over the heads of the people. They say in a letter to me that the plan of doing away with the Cushman School has been under advisement.

The CHAIRMAN. Mr. Meritt says it will only take a few minutes to read the report of the supervisor.

Mr. JOHNSON. What are you going to do with these other children is what I want to find out.

Mr. MERITT. This report is in the form of a letter written by Mr. O. H. Lipps, at that time supervisor in charge of the Chilocco Indian School, and also general supervisor of Indian education. It reads as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SCHOOL,
Chilocco, Okla., May 26, 1919.

Hon. CATO SELLS,

Commissioner of Indian Affairs, Washington, D. C.

MY DEAR MR. COMMISSIONER: Your telegram of May 24, addressed to me at Crow Agency, Mont., and requesting me to submit my justification for closing the Cushman School was received here this morning.

Regarding this matter, I have to advise that I have just returned from a visit to the Salem, Cushman, Tulalip, and other Indian schools of the Northwest. The chief object of my visit at the three schools mentioned was to determine if possible the advisability of recommendation for the discontinuance of the Cushman School. For several years I was district supervisor for the northwest district, in which the Cushman School is located, and I am, therefore, quite familiar with educational conditions in that district. For 10 years I have been observing the effort to develop Cushman into a trades school for Indians. About 10 years ago legislation was enacted by Congress providing for the sale of the portion of the Puyallup Agency site, which is located within the city limits of Tacoma, Wash. Congressman Cushman introduced the bill and piloted it through Congress. This bill provided for the use of the proceeds of this land for new buildings, equipment, etc., for enlarging the Puyallup Boarding School and converting it into a trades school. The name of the school was changed from Puyallup Boarding School to the Cushman Trades School in honor of Congressman Cushman. The land was platted into town lots and sold for something like three hundred or four hundred thousand dollars.

Between two hundred and three hundred thousand dollars was expended in the construction of new buildings, repairing of old buildings, the building of paved streets and sidewalks, the purchase of extensive shop equipment, grading the school grounds, etc. The bill contemplated that the school would be supported from the interest on Puyallup 4 per cent fund and 10 per cent of the principal fund annually. For a few years the proceeds thus derived were sufficient for the support of the school. Soon, however, it became apparent that this fund was insufficient for the support of the school, and Congress was asked to appropriate \$50,000 annually to supplement the Puyallup fund. Two years ago the congressional appropriation was increased to \$65,000 per annum. As there is now only about \$80,000 in the Puyallup fund, it will be readily seen that the 10 per cent of the principal and the 4 per cent interest on the principal is barely sufficient for the upkeep of the school plant. If the school is continued it will be necessary to increase the congressional appropriation to at least \$75,000 per annum.

It has been my understanding that the Indian Office never favored the enlargement of the Cushman School or the attempt to develop there a large Indian trades school. It was the desire of the Commissioner of Indian Affairs at that time to sell all of the land occupied by the Puyallup Agency and school and with the proceeds purchase a farm a few miles out from Tacoma and there erect a small boarding school for the Puyallup Indians where they might have

a farm, maintain a dairy herd, and produce much of the subsistence required for the pupils, as well as provide means for giving instruction along agricultural lines, particularly in dairying, fruit culture, and vegetable growing which are the three leading agricultural pursuits in that section of the country.

But Congress passed a law providing for the enlargement of the school on the old site, and there was nothing left for the Indian Office to do but to carry out the provisions of this law. This is how we happen to have the Cushman School on our hands at the present time. In theory the trades school seemed to promise to meet a real need for the Puget Sound Indians, particularly since the plan provided also for the education of Alaska Indians at this school. A strong effort has been put forth to make this school a success, but its location and the general physical condition of its surroundings have been against it. Tacoma is a city of about 150,000 inhabitants. The school is located within the corporate limits of the city and on one of the main thoroughfares leading into the heart of the city. Experience has demonstrated that it is unwise to bring Indian boys and girls from remote rural districts into a large city and impossible to keep them contented within the confines of the narrow limits of a boarding school. The numerous activities of the city distract their attention, and it has been seemingly impossible to maintain proper discipline and interest both among pupils and employees. Instead of the activities of the school absorbing their interest, they look to the city as the place to find amusement and social diversion. This is almost an insurmountable object in the way of building up a proper school spirit and maintaining wholesome and interesting school activities.

The Cushman School has only about 30 acres of land, most of which is on a steep hillside. There are 7 acres of tide flat lands, which have from time to time been used for garden purposes. This land overflows almost every year, and recently the tides washed in from 2 or 3 feet of sand and left this deposit on top of the soil. This renders it almost worthless for garden purposes. In fact, the superintendent told me that last year they did not raise enough vegetables on this garden to pay for the seed planted. Conditions are even worse this year than last. With no land, the school can not keep a dairy herd or poultry or produce the vegetables required for the subsistence of pupils. It therefore becomes necessary to buy milk, butter, eggs, and all vegetables used by the school. This makes it practically impossible to properly provide for the pupils on the amount authorized for the support of the school. Besides, most of the Puget Sound Indians live in the country, and many of them on small farms, and their future economic development depends largely upon their ability to produce crops and maintain themselves on their little farms. The Cushman School can not possibly give any valuable instruction along agricultural lines.

As regards the trades-school feature, I have to advise that there are no better equipped shops in our service than are to be found at the Cushman School. If the students were all large boys, whose future welfare depended upon their becoming skilled mechanics, then this school might be made a valuable institution. The facts are, however, that comparatively few of the boys who take the shop courses will ever follow trades for a living. Of the 330 pupils now enrolled at the Cushman School, a large number of them are from the Flathead, Colville, Coeur d'Alene, and Yakima Reservations. All of these boys and girls come from strictly agricultural and stock-raising districts, where they have their allotments. Few, if any, of them will ever live in industrial centers or put to practical use any trade they might learn. They are going to be home-makers and farmers.

Another disadvantage, which is a very serious one, is that the Cushman School is located in one of the great industrial cities of the Northwest, where labor conditions are such as to make it well-nigh impossible to secure and retain competent trades-school instructors. There are large shipbuilding yards at Tacoma, and the wages for skilled mechanics is two or three times greater than we can afford to pay. In fact, the salaries of mechanical instructors at the Cushman School are now larger than at any other Indian school in the service. For example, the manual-training teacher in ironmaking receives a salary of \$1,200 per annum. The manual training teacher in wood-work receives a salary of \$1,000 per annum. In addition, the school is provided with a carpenter at \$840 per annum. The engineer receives a salary of \$1,200 per annum and there is a principal teacher at \$1,400 per annum.

It should be remembered that this is one of the medium-sized nonreservation schools, with a capacity of 350 pupils, and yet, with these salaries it has been almost impossible to keep employees in the principal positions. Most of them are now temporary and have been for the past two years. Somehow the industrial instructors at this school soon become obsessed with the trade-union or the Bolsheviki spirit. One of the temporary manual-training instructors last year, I was informed, was a constant agitator and later became one of the ringleaders in the Seattle strike. With this spirit and atmosphere pervading the school it is next to impossible to develop and maintain a proper educational spirit.

Another obstacle in the way of properly maintaining this school is its physical location and condition of the school plant itself. The buildings are of wood construction and several of them are very old and in constant need of repairs. Just now the paint on the roofs and sides of these buildings is all peeling off and they present a very unsightly appearance. The steam-heating plant is in very bad condition and extensive repairs will have to be made on it before the beginning of another school year. In fact, to put this plant in a sanitary and comfortable condition will require an expenditure of at least \$25,000. In its present condition it is a disgrace to the Indian Service. I am sure it is in far worse condition than any school plant of its pretensions I have seen in our service. It is located right on the main thoroughfare in plain view of the thousands of people that pass it daily, both on the highway and on the four railways and one interurban line which pass near by. When I consider the educational facilities for the Indians of the entire Northwest district I am quite positive that no Indian child for whom the Government is under obligation to provide school facilities would be denied the privileges of an education were the Cushman School to be discontinued.

The Salem School, with a capacity for 600 pupils, now has enrolled a large number of small children and of ineligible pupils.

Mr. JOHNSON. What do you mean by ineligible pupils?

Mr. MERITT. Ineligible pupils are pupils with less than one-half of Indian blood.

There are at both Salem and Cushman schools quite a number of pupils of small degree of Indian blood who live in towns or in communities where there are good public schools. Also Salem has enrolled more than 100 pupils from Alaska. Many of these are mixed bloods whose parents live in towns where there are schools. There are more than 100 pupils from Montana attending the Salem School. There are quite a number from the Nez Perce, Umatilla, Yakima, and Colville Reservations also enrolled at Salem. Many of these pupils have ample public-school facilities at or near their homes. My attention was called to one boy at Salem who was last year attending a high school on the Nez Perce Reservation, near his home. There are quite a number of similar cases of this kind both at Cushman and at Salem. In order that Salem may do more efficient work it should not hereafter enroll any students below the fourth grade. This will eliminate from 100 to 150 pupils.

Mr. JOHNSON. Is it planned to reopen the Salem School?

Mr. MERITT. Yes, sir.

Mr. JOHNSON. In spite of the fact that it has to get its pupils from Alaska?

Mr. MERITT. The Salem School is a very much better and larger school than the Cushman School. The Salem School has a capacity of approximately 700, and it also has a large farm in connection with the school.

By the elimination of the primary pupils at Salem and by a reasonably small expenditure at the Tulalip School for the construction of a dining room and kitchen, and by restricting the enrollment to eligible pupils, I am confident that Salem and Tulalip would be able to care for all eligible pupils now enrolled at the three schools. The Tulalip School has a capacity for 180 pupils, with a present enrollment of 160. By building a new dining room and kitchen the present dormitory buildings could easily accommodate 225 pupils. There are only 50 Puyallup pupils enrolled at the Cushman School, and these could easily be provided for at Tulalip.

Mr. JOHNSON. I would like to call attention to that proposed change, Mr. Chairman.

It has been urged in the past, and it will no doubt be urged again, that treaty provisions require the continuation of the Cushman School. In this connection I desire to call the attention of the office to the treaty of Point Eliot of January 22, 1855. Gov. Isaac Stevens, on behalf of the United States Government, made practically all of the Indian treaties of the Pacific Northwest. These treaties were strikingly similar and in many cases almost identical and follow the same general plan containing usually 14 articles. The treaty of Point Eliot or Mukilteo of January 22, 1855, is the only exception. It contains 15 articles, and the only additional article, article 3, provides for the establishment of an industrial school at Tulalip Bay, with a view of providing school facilities for all the Indians living west of the Cascade Mountains.

It would seem, therefore, that the original intention of the treaty was to establish a school at Tulalip for the education of all the Puget Sound Indian children. The map below shows the location of Tulalip to be centrally located on Puget Sound and within easy communication from the various Indian villages and settlements of northwestern Washington.

The Tulalip School plant is an excellent one with splendid buildings and attractive grounds. There are 300 acres of land in the school farm, much of which is cleared and in cultivation. There is a fine new dairy barn with silos, a dairy herd, a splendid young orchard, an excellent garden, and considerable good pasture land. The school has water power, which operates the electric-lighting plant and a small sawmill. Lumber for an additional building can be manufactured very cheaply at the school sawmill.

The CHAIRMAN. Are you reading about Tulalip? Has that reference to Tulalip or Cushman?

Mr. MERITT. This has reference to Tulalip.

Mr. JOHNSON. This is the beginning of the appeal for additional appropriations elsewhere to take care of transfers from the Cushman School.

The school has its own wharves and warehouses where freight may be unloaded from large steamers right at the door of the school. It is only a few hours' trip from Puyallup and other Puget Sound reservations to Tulalip. The water transportation is ample and very economical. The Tulalip School should have a central heating plant, and a new dam is needed very badly for the water-power plant. If the Cushman School ground and buildings could be sold and the money transferred to the support of the Tulalip School with a provision for the education of the Puyallup children at Tulalip, I am sure it would be in the interest of economy and efficiency. I have had a good many years' experience in organizing and conducting Indian boarding schools. I have inspected the Cushman School a great many times and I have tried to work out in my own mind some plan by which that school might be conducted efficiently. I must confess that I have been unable to find a satisfactory solution of the problem. While I have usually been able to take a school that has run down and become disorganized and dilapidated and rejuvenate it, put it upon its feet, so to speak, I do not believe that I could succeed in making a real educational institution out of the Cushman School. Its location and environment are too great a disadvantage to overcome.

It will require more money to make the necessary repairs and improvements to the plant and to maintain it than I feel is warranted under the circumstances. We are not justified in this unnecessary expenditure of public funds and I regard it as my official duty to recommend to you that steps be taken to dispose of the Cushman School plant and grounds through public sale, and that the proceeds be used as above stated for the immediate support of the Tulalip Indian School. If advertised and offered at public sale, the buildings and grounds and the equipment not needed at Tulalip would doubtless bring a fair value. I was informed at Tacoma recently that there is a great demand for homes and that real-estate values are high, and no doubt this property would bring a fair price if offered for sale at the present time.

If there are no legal objections in the way, and I do not understand that there is, I suggest that these recommendations receive prompt and favorable consideration in order that plans may be perfected for closing the Cushman

School and for the transfer of employees and pupils to other schools before the beginning of the next school year.

Very respectfully,

O. H. LIPPS,
Supervisor in Charge.

Mr. JOHNSON. This letter just read clears up in my mind some of the alleged reasons and makes this proposition what I thought it would turn out to be, a deceit on the fish-eating Indian of western Washington. This item reads here that the funds are to be —

The proceeds of such sale shall be deposited in the Treasury to the credit of the Puyallup Tribe of Indians, and to the credit of the United States as their respective interests appear.

The probabilities are that you will eliminate the Cushman School, because it has been allowed to run down and become dilapidated, although it has until comparatively recent years, cared for many more pupils than the money provided for their maintenance. It speaks in this letter of 260, or some such number. They say now that was a great rundown, and they propose to transfer this school to the Tulalip School. As a rule, Cushman School has had more pupils than capacity.

Right in the start of this letter you get what has happened to the Puyallup Indians. The lands they owned are between Seattle and Tacoma. Now, many of them are worth \$3,000 an acre, and this land that they talk about having been washed over with silt from the Puyallup, properly diked at very light expense, are worth thousands per acre, as city lot property, not far from the center of the city of Tacoma. They speak of it as a steep hill. It is not a steep hill as hills go in those cities out there. What will happen will probably be the sacrifice of this property. You speak of the limited number of acres. Quite a large portion of it is a burying ground for the Puyallup Indians, all they have left in the sight of God of the property that they had owned, that is, managed by this wretched and incompetent Indian Bureau and its commissioners. It is outrageous and stinks to heaven, and now they cap the climax by knocking off trade education.

Mr. Chairman, at the San Francisco Exposition, the most magnificent display there was part of the exhibit from this Indian school. You begin to get the milk in the cocoanut. Why are they doing it? Because the Government can not pay the instructors. Come out in the open, and you will see why. Let us see what we have here for these poor, wretched Indians, back in the public schools, back in the Indian schools. Mind you, these whole western Washington tribes, the fish-eating Indians and the Cushman School, have a population of 2,148; the Chehalis, 120; Muckleshoot, 182; Nisqualli, 80; Skokomish, 202; and Squaxon Island, 79. There are two or three more. They are little bands; I think there are a dozen or more of these Ishmaelite tribes; the superintendent of the Cushman School is supposed to supervise and look after these bands of Indians. That work has fallen down. For the last six or seven years, each succeeding superintendent and each succeeding instructor has been weaker and poorer than the last, and after all that is done they lay it to the bad conditions there. Of the unattached Indians belonging to the Puyallup, there are the Cowlitz, 490; Clallam, 539; Puallup, 152; various other Indians, 304. The

schools there, the Neah Bay School and the Taholah School, are Indian schools. I wish to God that some member of this committee could go to see the Taholah Indian School, a room half the size of this, with the window broken out, squatted in the flats of that fishing place there on the Quinaielt, not a place fit to keep the poorest cur dog. This inspector talks about the Indian schools in Alaska. I have seen them, and the only thing respectable about it is the flag of the United States that floats over it, and the rest of it a disgrace. Speaking of this school being a disgrace to the United States, they are disgraces 15 times more. It is time for Congress to act.

They have submitted one reason they want to get rid of this piece of property, that they estimate it would sell at \$250,000, city property, and I recognize it would sell for that. I suspect now that is why the Quinaielt Tribe was taken off and given a separate agency so that they could be skinned out of the control of that area and the properties be managed from the Cushman School. The Quinaielt Reservation is as large as an eastern State, a New England State, inhabited by 1,000 Indians, if I am not mistaken, too poor except for the fish that they can catch to even buy tobacco or shoes, but owning that property worth millions and even billions of dollars, mismanaged in every possible way. It is only 140 miles from this Cushman School; it could not be managed there. It was badly managed from there, and the complaint was that nobody ever went to the Quinaielt. It might as well be managed from Washington, D. C., as from Taholah Agency. That has just gone from bad to worse until the last agent went around with a rock beating the Indians on the skulls. A \$1,000 appropriation and millions of dollars worth of property, and when one dies he can not be taken care of, and here we get this theoretical idea, the great idea of management, that these Indians are to be agriculturists and farmers, in this report. It is nothing of the kind. The plan started was to teach them the trades in the wet part of the State of Washington and the wet part of Alaska, and for the girls going there to be taught to sew and do housework and other things. It is outrageous.

The CHAIRMAN. Are you particularly interested in retaining the school there or are you particularly interested in the division of the amount received from the proposed sale?

Mr. JOHNSON. I am interested in it all. I do not think that they ought to, without full, complete notice, sever these schools and cut that opportunity off, which is the wiping out of governmental relations with the Puyallups. That is the end of it. You have heard read there the Cushman plan, to sell the land and maintain a school for the Indians, and now goes the school. I think it is a mistake.

The CHAIRMAN. I will say this to you, Mr. JOHNSON. During our investigation we have discovered that we had a very large surplus of capacity in the reservation and nonreservation boarding schools.

Mr. JOHNSON. But the contract with the Puyallups was for a boarding school.

The CHAIRMAN. I am not speaking of any one school in particular. The committee has determined that its policy will be to eliminate certain schools and we have not particularized the schools, but we have set a point where we would say that a school could not be operated on an economical basis with the number of children in

actual attendance. During the investigation it was brought out, of course, that some of the schools were in such shape that they ought not to be continued. I do not know whether Cushman School was one of those or not, but in the plan sent up here for us to consider for elimination, Cushman was eliminated, and naturally, in our desire to reduce the expense of operating schools which are not a necessity, and with the further position and belief that by such consolidation we would be able to give the pupils better service and better instruction at schools which have a better environment, we thought we were doing the right thing. We found that we had in the reservation boarding schools something like a surplus of 3,600 capacity, and we adopted the same policy there. Then we went to the day schools, and maybe, this day school of which you speak up there will be one of those eliminated entirely under our plan. Therefore, we are glad to hear from you this morning.

Mr. JOHNSON. This Cushman School is not a day school.

The CHAIRMAN. It is a nonreservation boarding school.

Mr. JOHNSON. And it is proposed to abandon that and transfer a number of the pupils to Tulalip School, in order to make a school sufficient to build additional buildings and dining rooms and the like of that there. The commissioner himself in his annual report throws in a fine lot of hot air about education, including an indorsement from the Washington Post and other newspapers, but does not recommend the abandonment of the Cushman School. He recommends some others. I think, at least, that there ought to have been a little time given to the people. These scattered tribes of Indians represent a great many tribes, and if I remember the situation correctly—I can not be quite clear about it—there are no facilities to put these children into the schools of Tacoma. I am very sure as you go down on the Muckleshoot Reservation and further back in that great territory there are not public-school facilities, but, of course, "it is only an Indian."

The CHAIRMAN. I have not come to that conclusion yet as a general proposition.

Mr. JOHNSON. I hope not. I am earnest about it. I am sorry that this proposition was sprung with such suddenness that there has not been time for replies to letters of inquiry sent by me to Tacoma.

The CHAIRMAN. I am not questioning at all the statement that you make about that particular situation up there, and, of course, have not seen the proposition.

Mr. JOHNSON. Talk about treaties! It dwells here with so much strength upon the treaties of Gov. Isaac Stevens with the fish-eating Indians, and every one of them provide, I think, that they should hunt as far as they could see on the waters around that land.

The CHAIRMAN. You are speaking of the Quinault Indians?

Mr. JOHNSON. That was one of the privileges in the treaties. Of course, when the forest reservations were established, any Indian who dared to point a gun within the boundaries of the forest reserves, the boundaries of which he had never heard of, was taken into custody.

Mr. RHODES. I would like to ask a question or two to secure information as to the basis of his objection to the discontinuance of this

school, and also in order that I might see the reasons more clearly for the recommendation for the discontinuance of the school. I understand you to say that the condition of that institution and the management of the affairs of these Indians as a whole have yearly gone from bad to worse.

Mr. JOHNSON. Positively.

Mr. RHODES. In the first place, in your opinion, why has that condition existed, and why does it exist to-day.

Mr. JOHNSON. Incompetence of superintendents, beginning with the first appointees of the Hon. Cato Sells.

Mr. RHODES. What are you recommending now as a practical way of meeting the situation as it is there? What could this committee do in order to meet the condition of the Indian? I want to answer a suggestion you made a while ago in this way: I want to assure you that it is not a trivial matter, at least with me, so far as defending the Indian's rights are concerned. It is not with me, "Only an Indian." With me it is a question of acting for the Indian and in his interests as well as I act for the interests of the white man.

Mr. JOHNSON. I understand that; but you and this committee, and even Congress, are helpless.

Mr. RHODES. I want to say I should be more inclined to go further in the interests of an Indian than in the interests of a white man because of his helpless condition and the moral obligations resting upon the Government. What I would like you to do is to suggest to us the best reason you can in order to improve that condition there, both from an educational standpoint and from an industrial standpoint. It is an easy matter to say that this school ought to be discontinued. It is an easy matter to say it should not be discontinued.

Mr. JOHNSON. It is an easy matter to deliberately let a school run down.

Mr. RHODES. The situation is this: It has run down. What can we do?

Mr. JOHNSON. If I felt that I had any obligation to the Indians, which I do have as a Member of Congress, and would have especially if I were a member of this committee or an officer of the Indian Commissioner's office, I would undertake to hold that school up to the key if it only had 150 pupils, and, instead of scouring the prairie country of eastern Washington and Montana for pupils, I would ask for the Indians of a similar kind, the fish-eating Indians, and I would maintain that school to be a training school for boys and girls. I would go on with their training. I know that there is no finer equipment in any part of the country for blacksmithing, and all that kind of work, and I know boys who have come out of that school as automobile mechanics, earning as fine wages as any white man and delivering as good work.

Mr. RHODES. Is that work of such a character that there is an increasing number of students each year?

Mr. JOHNSON. Conditions were good. They bring down Alaskan Indians from these little wretched Indian schools that are a disgrace to the Government and put them in Cushman. I wish to protest against the whole system.

Mr. RHODES. This committee is not charged with the responsibility of the system, as I understand it. We are charged with the respon-

sibility of making appropriations for the maintenance and upkeep of these schools.

Mr. JOHNSON. I ask you, then, to make an appropriation to continue that Cushman School for one year. Some of us are interested in what the department is doing. Don't put the school out of business on a theoretical report, such a report as that, written by somebody who says he knows all about building up a broken-down school, and he and the rest of them make an occasional visit to the Northwest and the far side of the mountains, where there is a different class of Indians. While this particular committee is about it, now is the time to strike out that barnacle that has been on the service for all these years, the Board of Indian Commissioners, at \$10,000 for each man, or some such sum.

The CHAIRMAN. You are wrong about that. They do not get any pay at all.

Mr. JOHNSON. Strike them out anyway.

The CHAIRMAN. There is a \$10,000 appropriation in the bill for the benefit of the Board of Indian Commissioners. No part of that is paid as salaries to employees.

Mr. JOHNSON. It just makes a salary for a secretary and a printed report each year.

The CHAIRMAN. We went into that deeply and made a full investigation of their value.

Mr. JOHNSON. I made a complaint on the floor that they never had, as far as I could learn, visited the Pacific Northwest or Oregon or Washington, and Dr. Elliot wrote me a letter that they never had, and had them come out there. They got as far as Tacoma, and I had to make all the arrangements to get them on to this almost lost Tahlolah place.

The CHAIRMAN. We have heard your suggestion with regard to continuing the school, and now I would like to hear your suggestion with regard to the division of the fund in case the school is not continued.

Mr. JOHNSON. I would not put any of these funds where the Indian Office could get their benefit; sell the school and if you don't propose to help the Puyallups, put it all in the Treasury. Don't let them get it for \$250,000, just because somebody has estimated it would be \$250,00. Don't let the United States be robbed of a city property.

The CHAIRMAN. How far is this institution from the city?

Mr. JOHNSON. It is in the city limits of Tacoma.

Mr. RHODES. After proper notice to the public and advertisement of sale, what do you think the property would reasonably sell for?

Mr. JOHNSON. I am not sure; I am not in the real estate business. The Puyallup Valley tide land covered with silt is worth all the way from \$1,000 to \$2,000 an acre, and sometimes more. It is the greatest berry producing land in the United States. That land is appraised at \$3,000 an acre and raises wonderful crops.

The CHAIRMAN. You said there were about 1,000 Quinaielt Indians.

Mr. JOHNSON. According to the figures in the report.

The CHAIRMAN. And that they have territory as large as a New England State?

Mr. JOHNSON. Yes.

The CHAIRMAN. Do they roam that whole country, or are they in bands of 50 to 100 in different parts of that great territory?

Mr. JOHNSON. Those who can get sites on the Quinaielt River, which rises and discharges in their grounds, fish and make fairly good money out of fishing, and whenever they have done pretty well, as they did two or three years ago, and desire to invest in Ford automobiles they are instructed by this wonderful Indian Office not to buy automobiles because they would rust, but to buy horses, commanded to buy horses, and did buy horses. That winter we had heavy snows with no railroad transportation, and all those horses starved to death.

Those few that can live near Taholah on the banks of the Quinaielt live by fishing. The rest of them live back off the Quinaielt or north, and you go into that wilderness north and find those poor old Indians living there. I have told the story of old Chief Mason, 100 years old, impoverished, living a little on Government rations, and who has had to take in his relative from the Georgetown Reservation and her husband, 95 years old, come to live on the old man; and his tribal rights there are enormous. Some of these Indians had allotments, and an allotting agent was sent around to clean it up, and after they had gotten 600 allotments ready they decided that the land was principally valuable for timber rather than agricultural and have never closed these allotments to this date. There they are, the finest stand of timber in the United States, on that reservation, rotting down and falling down. It is a wonder that it has not burned. It is Government mismanagement.

Mr. RHODES. Is that timber liable to suffer loss at any time on account of forest fires?

Mr. JOHNSON. I think so, some day.

Mr. RHODES. Is that timber of such character as to cause it to command a fair price?

Mr. JOHNSON. Yes; wonderful.

Mr. RHODES. What would you say should be done with that large area of land belonging to these 1,000 Indians?

Mr. JOHNSON. I have been hoping that the Government would survey the timber by timber cruisers and sell off one row of sections, the nearest to transportation. The sale of that one row of sections would make these Indians and their children independent.

Mr. RHODES. You say now that is a reservation which is very rich and the Indians are living very poorly.

Mr. JOHNSON. Very poorly.

Mr. RHODES. Are these Indians of such character by nature and environment that they can be taught agriculture or science?

The CHAIRMAN. Not by any means we have discovered.

Mr. JOHNSON. Not necessarily, because these old Indians can not learn but the younger ones can, and this school is doing that.

Mr. RHODES. They are not of the nature of Eskimos?

Mr. JOHNSON. They are familiarly known as Siwash Indians. They speak some variety of the Chinook language written for them by the Hudson Bay traders, fishers, and trappers.

Mr. RHODES. What is the history of the population; are they increasing or diminishing?

Mr. JOHNSON. Diminishing rapidly.

Mr. RHODES. Has there ever been any estimate that the tribe would increase?

Mr. JOHNSON. By marriage, outsiders getting tribal relations? Of course, with all that wealth there are a great many who would like to go there and enter the tribe.

Mr. RHODES. Is that land valuable for any purpose except timber?

Mr. JOHNSON. The valleys would make fine agricultural farms.

Mr. RHODES. I suppose part of the area is mountainous?

Mr. JOHNSON. Some of it is rough and mountainous, the roughest country that you could imagine. If you want a wild place, there you have it. There is a winter rainfall of 7 or 8 feet in a year.

Mr. RHODES. What could the Government do in order to make the condition of these Indians bearable and improve them morally and intellectually?

Mr. JOHNSON. The Quinaielt Indians?

Mr. RHODES. Yes.

Mr. JOHNSON. Sell some of their timber and pay the Indians a stipulated sum per year and educate their children.

I hope you will hold off one year on this. I had a bill before this committee, transferring the superintendency of the Quinaielt tribe from Taholah to Hoquiam, and I think that should be done as a matter of good policy, and should be added to this bill. The Indian Office, to which it was sent by the chairman, stated its ordinary objections. I think they are nominal objections and I think there are 10 reasons why it should be placed in civilization instead of outside.

The CHAIRMAN. We will take that matter up.

Mr. JOHNSON. I am obliged to you gentlemen and I hope the committee will make an appropriation to carry that school on for at least one year. There is more to lose by cutting that school off on instantaneous motion than by letting it stay another year.

(The following letters were submitted by Mr. Johnson:)

HOUSE OF REPRESENTATIVES,
Washington, D. C., December 15, 1919.

HON. H. P. SNYDER,

*Chairman Committee on Indian Affairs, House of Representatives,
or Secretary of Committee.*

DEAR SIR: I beg to hand you herewith copy of letter from the secretary of the Tacoma Commercial Club, received just after I had appeared before your committee in opposition to the proposed abandonment of the Cushman Training School.

I regret that the letter did not arrive in time for me to use same, and I beg to ask that you cause the letter to be inserted as part of my testimony. Thanking you in advance, I am,

Yours, sincerely,

ALBERT JOHNSON.

TACOMA COMMERCIAL CLUB AND CHAMBER OF COMMERCE,
Tacoma, Wash., December 9, 1919.

HON. ALBERT JOHNSON, M. C.,
Washington, D. C.

DEAR SIR: Referring to my wire to J. H. Davis regarding the Cushman School, I beg to submit the following information, which was obtained by me upon Mr. Davis's request.

At the present time there is an enrollment of 225 Indian boys and girls in the Cushman School. Of this number more than one-half of the student body

comes from reservations east of the Cascade Mountains, while the remainder come from the Puyallup and Micklehoot Reservations, and from points in southeastern Washington.

Despite the recent ruling of the department in Washington, stating that no Indian pupil should be enrolled in any Indian school free of tuition who has the same public-school privileges in the community in which they live as other children, the Cushman School has maintained a high average of attendance.

The Cushman School is the only one of its kind in the State at the present time, and is offering a course of study to Indian boys and girls which they would not receive in the public schools. This course of study includes farm blacksmithing, farm engineering, farm carpentry, farm masonry, shoe and harness repairing, gardening and poultry raising, for boys, and cooking, sewing, laundering, nursing, home training, poultry raising, and gardening for girls. Statistics at the school show that a large percentage of the students who graduate from the school follow this work.

Should the school be closed all the Indian children eligible for the school would have to attend the school at Chemawa, in Oregon. The grounds and buildings of the Cushman School are in the best of condition and could easily handle a much larger enrollment.

The location of the school is such that every reservation in the Northwest is within a comparatively short distance from the school, and in this the Indian students are fortunate, because they do not have to travel a long distance. At the same time it is saving in traveling expenses to the Government.

Yours, very truly,

EDWARD P. KEMMER,
Managing Secretary.

Mr. Johnson also offered the following letter:

TACOMA, WASH., *December 10, 1919.*

HON. ALBERT JOHNSON,
Washington, D. C.

MY DEAR JOHNSON: I read in the Tacoma paper that the Government intends to sell the Cushman Indian School grounds for \$250,000. This is a good move, providing the Government reinvests the school land money in another place for the benefit of the Indians.

Allow me to make a suggestion: Let the Government invest that money in a fine piece of agricultural land next to the Fife School, in the center of the famous Puyallup Valley, 4 miles from Tacoma. This location is now reached by three roads from Seattle: One by the hill road via Des Moines and Buena, one via Auburn and Edgewood, the other via Sumner. The Pacific Highway through the White and Puyallup Valleys, from Seattle to Tacoma, passes by this land. Pierce County is now paving part of the road past this location by the way of Edgewood; and when the hill road from Seattle to Tacoma via Des Moines and Buena is finished (which road is now being paved), there will be but 10 miles of gravel road left to be paved: All these roads will come together at this location.

There is another reason why this distinctively Indian school money should be invested in land and buildings next to the Fife School: The Fife School is an all-race school—Indians, Japanese; in fact, there are seven different nationalities of scholars attending it, and there is no race hatred among the scholars.

You and my dear friend, Franklin K. Lane, knew how assiduously Peter Stanup, son of James Stanup (the last chief of the Puyallup Indians), worked to have the Government sell part of the 640 acres of Puyallup School lands (set aside by the Government for school purposes) and erect a university on the remaining land for the education of Indians in the highest branches, and lost his life in the work.

The Government should use this school money for no other purpose than designed for in buying and building a university on this site for the benefit of all the Northwest Indians who wish to graduate in the highest branches of education. We all know the American Indians are the only original settlers of this country, and as the race dies out they will be more and more looked up to and spoken of with more and more historic interest. But now is the time to speak and do for them.

Albert, if I am not mistaken, there is a balance of \$250,000 in the Puyallup Indian School fund from the sale of part of this school land several years ago; that added to the \$250,000 the Government proposes to sell the balance for

would buy the land I speak of and erect the university thereon. I would suggest the university be called "Stanup University."

I wish you would take this matter up with the Indian Department and with Mr. Lane. Should the department look favorably on the proposition, I would be glad to show the site to anyone that might be sent to me. I will give \$10,000 toward beautifying the university grounds.

Let us all work together and make this proposed university a reality. I am sure God and his people will approve and honor us for it.

Most sincerely, yours,

FRANK C. ROSS.

The CHAIRMAN. This language in the item:

The proceeds of such sale shall be deposited in the Treasury to the credit of the Puyallup Tribe of Indians and to the credit of the United States as their respective interests appear.

We would like you to discuss that, Mr. Meritt.

Mr. MERITT. Part of the funds of the Puyallup Indians were used in the construction of those buildings and part of the funds came out of the Treasury of the United States. We thought that if those buildings were to be sold the respective interests of the tribe and the United States should be protected.

The CHAIRMAN. To whom would the money from such sale really belong?

Mr. MERITT. It would belong both to the tribe and to the Federal Government in the proportion that they had invested funds in the property.

The CHAIRMAN. In other words tribal funds have been used for it as well as gratuities?

Mr. MERITT. Yes, sir.

The CHAIRMAN. And in the sale of the property those two things would have to be considered?

Mr. MERITT. Yes, sir.

The CHAIRMAN. And the money returned to each of the parties as their interests appear?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Of course, I expect that we will have objections from, perhaps, every Representative who is going to lose a school. Have you anything further you want to say as an offset to what the Representative from Washington had to say with regard to continuing that school for another year?

Mr. MERITT. Representative Johnson asked the office this morning for detailed information as to the amount of funds that the Government and the tribe have invested in this plant and it has been incorporated in the record.

The CHAIRMAN. If there is no objection it will remain in.

My thought is, and that is the reason I asked him the question, that he is more interested in the division of those funds and the sale of the property than he is in the continuation of the school, because he must know that your statement with regard to your ability to distribute the pupils up there is correct and that you can distribute them and give them, at least, service equal to that they are now receiving at Cushman. As I understand it, many of the pupils at Cushman are brought in from other reservations than the Quinaielt?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Will you state, if you can, where the children who are in attendance there at school now come from; what sections and what tribes?

Mr. MERITT. The report that I have read, submitted by Mr. Lipps, shows that there are a number of children attending the Cushman School who are from the reservations in Montana and Idaho and that those children can be taken care of in their own schools. We have a capacity at the Salem School of 650 and our records show that there is an average attendance of 563. There are also a number of children attending the Salem School who are actually ineligible under the school rules. These children should be eliminated from that school. We can take care of a large per cent of the children attending the Cushman School in the Salem School. The Salem School is in Oregon near the town of Salem. The Tulalip School is not filled to its capacity. We have a capacity of 180 at the Tulalip School and average attendance of 132. It is my belief that the Tulalip School should not be built up to any large extent and that no great amount of money should be expended there. A large number of these children attending those boarding schools can be taken care of in the public schools and it will be very much better for the Indian children to attend the public schools and also result in a considerable saving to the Government to send children to the public schools rather than to Government boarding schools.

The CHAIRMAN. What do you say as to their receiving instruction equal or better than that they would receive at Cushman, under the environment which exists there now?

Mr. MERITT. Of course, they would not receive the same mechanical instruction in trades that they would receive at Cushman School, but their general education in the public schools, I think, would be equal to that they are receiving in the Cushman School.

The CHAIRMAN. Do I understand that the public schools there are willing to take these pupils under an arrangement you may make with them for a per capita payment?

Mr. MERITT. The public schools would educate all Indian children provided we would pay their tuition, and we have the authority under existing law, and there is an appropriation of \$200,000 in connection with the general school item for the payment of tuition in public schools.

The CHAIRMAN. And you, personally, are convinced that this is the right thing to do?

Mr. MERITT. Upon the showing made by Supervisor Lipps, it would appear to be the economical and the wise thing to discontinue the Cushman School. Commissioner Sells has given this matter considerable thought, and he directed that legislation be included in the estimates, abolishing the Cushman School.

The CHAIRMAN. That does not answer my question at all. I asked you if you, personally, were satisfied that this was the right thing to do. Have you ever been to that school?

Mr. MERITT. I visited the Cushman School a few years ago and I found the plant in a somewhat run-down condition. It is not at all suitable as a location for an Indian school. It is in the suburbs of the city of Tacoma, and the plant is confined to a very small acreage of land. There are no lands suitable for agriculture in connection with

the school, and they are actually buying milk and eggs and practically all the food supplies that go toward the support of the school. The plant has specialized on teaching Indians trades, in the mechanical trades, and it has been somewhat successful along that line.

The CHAIRMAN. You say "somewhat." What do you mean by "somewhat"? How many of the pupils you have actually turned out there, so far as you know, have been able to step from that school into a position that put them on a footing equal to the white man doing the same work?

Mr. MERITT. I have not the exact figures before me, but my information is that quite a number of Indian boys have acquired sufficient mechanical knowledge at that school to go out into the commercial world and earn their own living.

The CHAIRMAN. How long has the school been in existence?

Mr. MERITT. The school was enlarged about 15 years ago.

The CHAIRMAN. When was this vocational mechanical training section commenced?

Mr. MERITT. Soon after the school was enlarged.

The CHAIRMAN. In your best judgment, how many trained mechanics have been turned out there in the last 15 years?

Mr. MERITT. I will say that there have been turned out probably 300 boys who are competent to earn their living in the trades.

The CHAIRMAN. That would be about 20 per annum. That strikes me as being a pretty large average of graduates from that attendance.

Mr. MERITT. They are not graduates, but they have learned enough at the school to go out and take positions and become efficient in their trade.

The CHAIRMAN. What has been the average cost per annum of the total operation of that school?

Mr. MERITT. The cost per annum has been somewhat high. Our records show that the per capita cost on average attendance last year was \$247.

The CHAIRMAN. I am bound to say if you are turning out in that school 20 men or women, who have the capacity upon leaving the school to compete with the white man in any mechanical job, there is a justification for the difference in the cost per capita based upon average attendance at that school, compared with any other school that I have investigated so far. I think that is a wonderful showing, and if you can continue to do that at a cost of about \$200 per capita over and above what it costs at the average school, it seems to me it is worth while.

Mr. MERITT. If this school is to be continued, we should have authority to purchase a farm conveniently near the school, not within the suburbs of the town but within a convenient distance, so that we could teach the boys and girls agriculture and home making and gardening and useful knowledge of that character, and also raise sufficient vegetables for the school and have a school herd and raise chickens.

The CHAIRMAN. I have another thought about this matter in line with that which I have suggested. It has been testified to in the hearings that 65 per cent of the graduates of the schools return to the blanket. Now, of course, I do not think that any of us agreed

with that statement, but have you any information with regard to the proportion of the 20 you estimate has been the average turn-out of the plant there who have gone back to the blanket or who did not take up work they were trained to do?

Mr. MERITT. As I have stated in the investigation, the statement that 65 per cent of our Indian children go back to the blanket is absolutely untrue and is an absurd statement on its face. I would say that none of these Indian boys who learn mechanical trades at this school go back to the blanket and to the old Indian methods of living.

The CHAIRMAN. I am inclined in this case to agree with the proposition of the commissioner because it is absolutely in line with my thought with regard to the consolidation and reduction of expenses of the operation of nonreservation schools. So far as I am concerned, notwithstanding Mr. Johnson's agreement, I am willing to go ahead with the suggestion and try it out, but I think it would be wise to hold up the sale of the property for at least a year and see what the turnout of the proposition is. It will give us opportunity to determine whether or not we have done the right thing, and if we have not, the school can be opened again. It would simply mean leaving a caretaker on the property. Have you any suggestion to make, Mr. Rhodes?

Mr. RHODES. The only thing I would have to offer is simply this: Mr. Johnson has expressed the view that the proper thing to do is to wind up the Indian affairs of that country as soon as possible, and in the second place, then, as a part of winding up all those affairs, he objected to discontinuing the school.

The CHAIRMAN. Yes; he made an inconsistent argument in that connection.

Mr. RHODES. Mr. Johnson's argument took the form of a criticism of the administration of affairs rather than to lay down any fundamental objections or to offer remedies whereby the service could be improved. Personally, I am absolutely free from any prejudice in this case, and certainly unable to criticize anybody because I do not know anything about the facts. But I do know if there is no substantial reason for the further maintenance of this school, that it would certainly be in keeping with our views on winding up the affairs of the Indians as well as cutting down appropriations. I am not in favor of withholding the expenditure of a dollar necessary, and I want that understood. I am not only in favor of promoting the material interests and advantages of the Indians, but I am in favor of improving his mental and moral condition; and I do not think Congress is justified in being penurious in the expenditure of the Indians' money or the public's money in cases of absolute necessity.

Mr. HERNANDEZ. My understanding is that there are about three-fourths of these pupils belonging to other tribes besides the Quinaielt tribe, in Montana, Idaho, and other places, where there are school facilities for them. They do not belong there. How many are there in this school who belong to those particular tribes?

Mr. MERITT. I will have to get the record on that before I can answer it.

The CHAIRMAN. How would this do? In place of the words we have in here, to say:

That the Secretary of the Interior be directed to withhold the sale of this plant, and that not to exceed a sufficient number of employees to take care of the property shall be retained in the plant.

Mr. MERITT. We would need a small appropriation.

The CHAIRMAN. We would make a sufficient appropriation. What caretakers would you have to have?

Mr. MERITT. It should not require over two people to care for the plant.

Mr. RHODES. What would be gained by withholding the sale of the property if the school should be discontinued? Would the prospect of securing a better price be greater?

The CHAIRMAN. My thought was that there may be already an arrangement made to sell this property.

Mr. MERITT. No, sir; no arrangement has been made.

The CHAIRMAN. Since Mr. Johnson has raised the question of its value, if withheld a year it might give opportunity for the public to be advised that the property would be for sale, so that at the beginning of another year we could have determined whether the children had been properly distributed and get some idea as to the real value of the property.

Mr. RHODES. I have no objection to it.

Mr. HERNANDEZ. Property certainly would not enhance in value.

The CHAIRMAN. It would probably depreciate. I am perfectly willing, as far as I am concerned, to go ahead with this scheme and close out the property, but I was trying to cover the suggestion that Mr. Johnson made, and, perhaps, to relieve a situation that might arise.

Mr. RHODES. If Mr. Johnson had pointed out any substantial reasons as a basis of his objections, then I would think that your proposition to meet his objections would be justified, but if we undertake to eliminate some of these Indian schools from the service we are going to meet the same objection next year and year after next which we meet to-day. I can understand how the average Member of Congress feels reluctant to give up any public enterprise situated in his district. That objection will always arise.

The CHAIRMAN. Page 83, line 19:

For continuing construction and enlargement of the Wapato irrigation and drainage system, to make possible the utilization of the water supply provided by the act of August 1, 1914 (Thirty-eighth Statutes at Large, page 604), for forty acres of each Indian allotment under the Wapato irrigation project on the Yakima Indian Reservation, Washington, and such other water supply as may be available or obtainable for the irrigation of a total of one hundred and twenty thousand acres of allotted Indian lands on said reservation, \$500,000: *Provided*, That the entire cost of said irrigation and drainage system shall be reimbursed to the United States under the conditions and terms of the act of May 18, 1916: *Provided further*, That the funds hereby appropriated shall be available for the reimbursement of Indian and white landowners for improvements and crops destroyed by the Government in connection with the construction of irrigation canals and drains of this project.

Mr. MERITT. This is our prize irrigation project in the Indian Service, and I offer for the record the justification:

Diversion dam and distribution and drainage system, Yakima Reservation, Wash. (reimbursable).

Fiscal year ending June 30, 1920, amount appropriated----- \$500,000.00

Fiscal year ended June 30, 1919:

Amount appropriated ----- 500,000.00

Amount expended ----- 467,643.56

Unexpended balance ----- 32,356.44

Analysis of expenditures:

Salaries, wages, etc.----- 212,527.28

Traveling expenses ----- 800.44

Transportation of supplies ----- 3,076.05

Telegraph and telephone service ----- 223.16

Stationery, printing, schoolroom supplies ----- 254.82

Subsistence supplies ----- 36,598.19

Forage ----- 28,008.44

Fuel, lubricants, power, and light service ----- 18,419.00

Live stock ----- 62.50

Equipment and miscellaneous material ----- 145,391.12

Miscellaneous ----- 3,108.38

Outstanding liabilities ----- 19,174.18

Total ----- 467,643.56

Indian tribe: Confederated Yakimas.

Number of Indians: 3,000.

Area of reservation: 1,145,059 acres.

Irrigation project started: 1859.

Work done by force account, using principally Indian labor.

Area of irrigable land under project: 120,000 acres.

Area of irrigable land under constructed works: 63,940 acres.

Area actually irrigated: 63,940 acres.

Area of irrigable land cultivated by Indians: 5,000 acres.

Area of irrigable land cultivated by lessees: 36,940 acres.

Area of irrigable land cultivated by white owners: 22,000 acres.

Cost of construction to June 30, 1919: \$1,353,875.26.

Cost of operation, maintenance, and miscellaneous to June 30, 1919: Collections equal expenditures.

Operation and maintenance charges are collected from white water users.

Estimated additional cost to complete: \$2,600,000 (including storage).

Estimated cost per acre when completed: \$30.

Average value of irrigated land per acre: \$200.

Average annual precipitation: 7 inches.

Source of water supply: Yakima River and tributaries.

Crops produced: Alfalfa, sugar beets, wheat, oats, rye, barley, potatoes, corn, fruit.

Market for products: Local and general; excellent.

Distance from railroad: Railroad through project.

The Wapato project is the most successful irrigation project in the Indian Service and probably there is no more successful project in the United States. **As fast as the land is brought under irrigation works it is placed in cultivation by the Indians or by white lessees.** The project includes 120,000 acres and, during the past season, 63,940 acres have been irrigated and in cultivation, and the crops produced have an estimated value of \$9,200,000 for the one year. **The value of this single year's crop yield is approximately three times the estimated cost of completing the entire project.** Operation and maintenance charges are collected from the water users, and the project is already on a self-supporting basis. It is more economical to carry on this work on as large a scale as practicable and it is likewise advantageous to bring the land under cultivation as rapidly as possible in order that the country may enjoy the benefit of the crops produced; therefore the sum of \$500,000 is asked for carrying on the work during the ensuing fiscal year.

The CHAIRMAN. I notice here with much pleasure that the cost of operation and maintenance has been collected from the white water users; but, naturally, there has been nothing returned to the Treasury on the expenditure, and, of course, this project from now on will come under the new rule.

Mr. MERITT. Yes, sir.

The CHAIRMAN. If we make this appropriation, of course that would apply against that appropriation.

Mr. MERITT. Both the Indians and white owners are amply able to begin the payment on the construction charge.

The CHAIRMAN. On this project I notice that the area of irrigable land under constructed works is 63,940 acres, and the area actually irrigated is the same.

Mr. MERITT. We are cultivating every acre of land under the project.

The CHAIRMAN (reading):

Irrigable lands cultivated by Indians, 5,000 acres; by lessees, 36,940; and by white owners, 22,000 acres.

Of course, we understand that the lessees are also white.

Mr. MERITT. Yes, sir.

The CHAIRMAN. So that this is primarily and directly a white man's proposition and indirectly an Indian proposition.

Mr. MERITT. The project irrigates both Indian and white lands, but the records show that the large percentage of the lands actually being cultivated under this project is either owned or leased by white people.

Mr. HERNANDEZ. What would the lands rent for?

Mr. MERITT. They rent anywhere from \$10 to \$50 an acre.

The CHAIRMAN. This is what it says here:

Estimated cost per acre when completed, \$30; estimated value of irrigated land per acre, \$200.

In that connection, while I am on that item, I notice in the next item you are asking for an appropriation for drainage.

Mr. MERITT. A diversion dam.

The CHAIRMAN. For the purpose of this same 1,405,059 acres, and you estimate that cost per acre will be \$16.67. Will that not be added to that \$30 cost every year?

Mr. MERITT. No, sir.

The CHAIRMAN. Is that other land?

Mr. MERITT. A different tract of land on the same reservation.

The CHAIRMAN. What is the irrigation cost of the proposition to which this would have to be added?

Mr. MERITT. The total irrigation cost of that land will be \$16.67; and it would not be the same land as the land under the other project.

The CHAIRMAN. The reason I thought it was the same land is because you use the same area of acreage.

Mr. MERITT. We refer to the acreage within the reservation, but you will note that under the next project there are only 12,000 acres, whereas the Wapato project has 120,000.

The CHAIRMAN. The question I started to ask you was that since it is well understood the estimated expenditures of the Government

for the coming fiscal year will be in the neighborhood of \$10,000,000,000, would it not be wise, even though this is a prize proposition, to curtail the expenditure up there for at least a year, and would you not feel that we were, under those circumstances, justified in holding up a couple of hundred thousand dollars on this proposition for one year? This is money which actually goes out of the Treasury of the United States into the hands of the people. It is for the benefit of people who are turning in now a crop value of \$9,200,000. It seems to me that the good projects ought to bear some part of the burden as well as the bad ones.

Mr. HAYDEN. Your statement is hardly correct when you say this appropriation for new work is for the benefit of people who are now enjoying large crop production. What is meant is that other people with additional lands which can be cultivated will be able to make a like production the same as those who are now obtaining the benefit of the project.

The CHAIRMAN. The justification says:

The project includes 120,000 acres, and during the past season 63,940 acres have been irrigated and in cultivation, and the crops produced have an estimated value of \$9,200,000 for the one year.

Mr. HAYDEN. That is true, but I would like to ask Mr. Reed how many additional acres can be irrigated with this \$500,000?

Mr. REED. We can not say exactly, but probably that will take in 15,000 to 20,000 acres.

Mr. HAYDEN. That is, 15,000 to 20,000 acres of new land, which is now desert and producing nothing, will by the expenditure of this appropriation be put under cultivation and produce like crops as the 60,000 acres now cultivated, but if the appropriation is limited to the last-named sum, you will reduce the new land that can be taken in by that much.

The CHAIRMAN. In the line of economy, and with the further fact in view that it is costing us now twice as much to do what it did before the war, and with the possibility and hope that within a year or two we might be able to do this work for a great deal less money, would it not be in line with what everybody is trying to do at present in all construction matters, hold up a little bit on the project for a year and see what the result is going to be.

Mr. HAYDEN. What do you think about that, Mr. Reed?

Mr. REED. We are now constructing there and will have to stop. We would lose the benefit of part of what we spent this year.

Mr. HAYDEN. You are carrying on construction, and you would have to curtail the work. Construction of the canals is carried a certain distance ahead before actually turning in the water?

Mr. REED. Yes.

Mr. HAYDEN. Cutting down construction for next year will not affect the work already started?

Mr. REED. We build our canal, of course, from the start, to the ultimate size it would be, and then we can increase that size. So we build to the ultimate size as far as we go, and if we only have use for half of the water, we have a plant there capable of carrying twice the amount of water. That is the explanation of the method of building it.

The CHAIRMAN. We hear the same argument in that line where there is a desire to increase the capacity, and in times like these it is good judgment to not try to do too much or work too far ahead. I believe that it would be good judgment now to try not to go as far ahead for a year or two as we have in the past few years on this project, even though it is the prize project, and even though the acreage is taken up. I believe we would be justified in not trying to do as much as last year or the year before until we see where this thing is going to take us. Within a day or two I have been advised there will be a tremendous advance in steel in March or April of the coming year, and there is no way you can hold that down. Pig iron sold at \$15 advance Friday or Saturday. There must be a peak somewhere, and things will have to come the other way. I think, considering all these things, that we would be wise in curtailing expenditures even on a good project for the time being.

I don't mean to stop it altogether, but let us spend \$300,000 up there this year instead \$500,000. A little further on you are asking for an increase of \$50,000 for a project that had not yet been started. In other words, you want \$200,000 now instead of \$250,000, due to the very thing that I am talking about, and of course if we wait another year and things keep on going up it might be more, but my judgment is that a year from now you will be able to build that dam for less money than you would if you started on it to-day.

Mr. HAYDEN. I hope that the chairman is right in his prediction, but the only way we can judge the future is by the past. Instead of a reduction, prices have been going higher and higher all the time.

The CHAIRMAN. Yes, I know—well, anyway, that is my argument on the proposition. I am not disposed to be arbitrary about it, because it is a good proposition, but I am only pleading with the committee on the theory that we have a tremendous amount of money to get from somebody in order to carry on the Government. If you gentlemen have seen the estimates, it is practically \$10,000,000,000 we must raise for the years 1920 and 1921 from some source, and we have all been pleaded with to keep the expenditures down, and here I think is an opportunity to slack up a little, not to stop altogether.

Mr. HAYDEN. I wanted to ask Mr. Reed whether the work on the project is done by contrast or by force account. Do you employ teams and scrapers, or are you using dredging machinery or ditch-digging machinery?

Mr. REED. We are using dredging machinery. It was impossible during the past year to get teams and men and we had to make other arrangements. We bought dredging machinery and are moving earth with that at a lower price even than we did formerly with teams and scrapers.

Mr. HAYDEN. Do you use drag-line dredges?

Mr. REED. Yes; we use the drag line.

Mr. HAYDEN. How many drag-line dredges have you?

Mr. REED. Five.

Mr. HAYDEN. What is the least amount of money that would keep those five machines in operation during the year?

Mr. REED. Well, if you just kept them in and didn't build the structures as you went along, we could operate them for quite a reasonable amount, considerably less than \$500,000; but our idea is

as fast as we open it up with dredges we follow it with structures, such as turn-outs, ditches, and checks.

Mr. HAYDEN. Are the structures of reinforced concrete construction?

Mr. REED. Yes.

Mr. HAYDEN. Could you not temporarily use wooden structures which would serve for a few years until they could be replaced with permanent construction?

Mr. REED. With the mounting price of lumber out there it would be uneconomical.

The CHAIRMAN. I would rather continue the project as it should be on a small scale than to put in a temporary structure which eventually we would have to take out at a big expense.

Now, what I would suggest would be to cut out one of your dredges and cut down the whole scheme based on that. That would at least cut out a few of your expenditures, and if you are willing to do that I am willing to take \$200,000 out and you can have \$400,000 and carry on four-fifths of your scheme.

Mr. REED. We will take anything and use it just as economically as we can.

The CHAIRMAN. But I do not want to do anything which is going to interfere with the proper operation of certain units, but if we can cut out one unit without detriment to the plant except the less number of acres we would put under irrigation during the year, I don't see we are doing anybody any particular harm. There would be very few people who would be harmed by that.

Mr. REED. Comparatively few. We can do that.

The CHAIRMAN. And if you will adopt that suggestion, we will have at least held up \$200,000 of an appropriation, and we will pass that, unless somebody gives me an argument which makes me look as though I was foolish or something else. Do you want it to go that way, Mr. Meritt?

Mr. MERITT. Mr. Chairman, I sympathize with your desire to decrease the amount of money that is to come out of the Treasury of the United States. In these days it seems that the last person who is considered in connection with the high cost of living is the taxpayer. I think this proposition could be worked out so that we could make a saving of \$200,000 on this item, and at the same time get sufficient money to carry on the construction work so that we could continue to get land under cultivation, and that land is some of it the most productive land in the United States.

Now, the figures show that there are 22,000 acres of land owned by white people under the project. That land is producing crops to the value of anywhere from \$100 to \$500 per acre per annum. There is no reason why those white owners should not begin to pay a substantial amount of money on the construction charge already invested in this project, and if the amount were cut to, say, \$300,000 and each of these white owners required to pay \$10 per acre on the construction charge already expended, and permit that money to go into new construction, you would do justice both to the taxpayers of the country and would not do a great hardship to the white owners of land in this project.

The CHAIRMAN. In that statement you have caught the spirit of my whole theory on this irrigation proposition, and I would be very

glad if that section could be so arranged that the money collected could be put into a revolving fund and reexpended for the capital part of the development of that project as far as it can go.

Mr. HAYDEN. Isn't that just as broad as it is long, though, so far as the taxpayer is concerned? You have authorized the construction of an irrigation project; the money appropriated for its construction is reimbursable to the United States; you have directed that during the next year the Secretary of the Interior shall require repayment to commence wherever possible. What difference, then, does it make to the taxpayer, as a matter of dollars and cents, whether the money paid in by the water user on the construction charge goes into the Treasury, which can then be used without levying other taxes, or whether a revolving fund is established to provide for the remainder of the construction cost?

The CHAIRMAN. The gentleman is quite right in his statement, as I understand it, but what I am trying to do is to cut this item down to \$300,000 now, and I am so anxious that they should begin to collect that I am perfectly willing that they should use whatever they collect by putting it back into the proposition, even though the taxpayer doesn't make any saving by it at all, except that which he gets by cleaning up eventually and paying for the plant. So I would be glad to accept Mr. Meritt's suggestion and reduce this item to \$300,000 and take a chance on their collecting the other \$200,000 to increase or, at least, to keep up the development at the pace it is now going.

Mr. HAYDEN. The terms of payment are specified in the law which authorized this work.

Mr. MERITT. That general legislation, however, would be subject to the specific legislation we incorporated in connection with this item, and if agreeable to the chairman I will draft the amendment that will compel those people to pay.

Mr. HAYDEN. There is one thing which Congress can not do. No law can change the terms of a contract. Now, let us ascertain just what the people under this project are required to do now under the law as enacted in 1916.

Mr. MERITT. They are not required to pay any particular amount in any particular year.

Mr. HAYDEN. Let us look at the act of May, 1916, which governs the reimbursement of this fund; then we will know exactly what can be done.

Here it is; the act of May 18, 1916, provides:

That the cost of the entire diversion work and distribution and drainage systems shall be reimbursed to the United States by the owners of the land irrigable thereunder, in not exceeding 20 annual payments, and the Secretary of the Interior shall fix the operation and maintenance charges, which shall be paid as he may direct.

Under the law, if the Secretary of the Interior declares certain units of this project completed, he can then, if he intends to allow 20 years in which to make the payments, collect one-twentieth of the construction charge during the next year. It is your idea, Mr. Chairman, that the sum so collected may be immediately used for new work on the project?

The CHAIRMAN. As far as it will go to complete the original estimate on the project.

Mr. HAYDEN. I have no objection to that, but I do not want to assist in the enactment of any law which would void an agreement heretofore made with the water users. Apparently in this case the terms may be fixed by the Secretary of the Interior so long as the payments do not extend beyond 20 years.

Mr. GANDY. The Secretary of the Interior has had some considerable experience in trying to do that very thing, and as the result of it he has been through the United States courts with several of these projects. You may take, for instance, the Belle Fourche project in South Dakota. By attempting to do that there he has got some \$30 contracts, and then as they got further on in the project he found it would cost more money, and he has got some \$35 contracts, and now some \$40 ones. So, he has got the project all uneven, and the difficulty is interminable.

Mr. HAYDEN. Having had that experience I think the Secretary will make his estimates high enough in the future to insure the return of all the money expended.

The CHAIRMAN. In his testimony the other day he was willing that this legislation should be enacted.

Mr. GANDY. It is perfectly agreeable with me.

Mr. MERITT. Mr. Gandy, under the amendment I suggest, we will not attempt to fix the definite construction costs, but we will simply require the white owners of land under this irrigation project to pay, say, \$10 an acre.

Mr. GANDY. On account?

Mr. MERITT. On account, and be permitted to use that in new construction.

The CHAIRMAN. All right, then. In that connection, Mr. Meritt, you are requested to perfect the language, and can you do that so that we can have it this afternoon?

Mr. MERITT. I can have it to-morrow morning, Mr. Chairman.

The CHAIRMAN. All right. That item will be reduced to that basis, then, \$300,000.

Mr. Gandy, do you want to be heard on the South Dakota items now?

Mr. GANDY. Just as well now as any time, Mr. Chairman.

The CHAIRMAN. Mr. Gandy wants to offer some amendments. What page is that?

Mr. GANDY. Page 75, line 20. I have three reimbursable items, and in each instance the Indians have the money on deposit in the Treasury. One reads:

That the Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of \$40,000, or so much thereof as may be necessary of the funds to the credit of the Indians of the Cheyenne River Indian Reservation, and to expend the same to apply on the construction of a bridge and abutments and approaches thereto across the Cheyenne River in the State of South Dakota. This appropriation shall be available only on the condition that the interested counties, or the South Dakota highway commission contribute to the cost of said bridge in the ratio of two dollars for every dollar of Indian funds so expended.

Now, the Cheyenne River is the south boundary of the Cheyenne River Reservation, and in more than 100 miles across the southern line of the reservation there is no bridge. At my suggestion the Commissioner of Indian Affairs caused an investigation to be made by the reservation superintendent as to the proportionate amount

which ought to be borne by the Indians. They have large tracts of tribal lands lying right along the river, and it was the report of the superintendent—which I will be glad to embody in the record—that one-third would be the proper amount. At the time we discussed it last summer it was thought that the bridge could be constructed for \$100,000, and we took in round numbers \$35,000 for the Indians' share and \$70,000 for the local share. Realizing that some prices have advanced I have made the item \$40,000, and as I say, the Indians have the money in the Treasury and the matter has been submitted locally. I have the agreement of the governor, which will be embodied in the hearings, that the local part of it will be taken care of.

The CHAIRMAN. Will you give us that?

Mr. GANDY. I have it right here.

STATE OF SOUTH DAKOTA,
Pierre, September 20, 1919.

HON. HARRY L. GANDY,
Washington, D. C.

MY DEAR MR. GANDY: Replying to yours of September 10 will state that the highway commission believes a bridge across the Cheyenne River will cost approximately \$100,000, but highway engineer will view the different sites within the next 30 or 40 days, so as to make a more careful estimate.

As chairman of the highway commission I wish to state that if the Federal Government will pay one-third of the cost of the bridge, and location can be agreed upon—which I feel certain can be done—the highway commission will become responsible for the construction of the bridge and the payment of the balance of the cost.

I doubt very much that the Cherry Creek location is feasible. I believe it will be better to go up the river 5 or more miles, in order to find a place on the river where the channel is not too wide; where it does not shift, and where approaches can be made at a reasonable expense.

Yours, very truly,

PETER NORBECK, *Governor.*

Mr. GANDY. Then the other two read:

That the Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of \$25,000 from any funds to the credit of the Indians of the Pine Ridge Indian Reservation and expend the same for the construction of the roads and bridges within said reservation.

Pine Ridge Reservation has three unorganized, unopened counties, and \$25,000 will help a little bit. There are nothing but cow trails across there.

The CHAIRMAN. What is the next one?

Mr. GANDY. The other one is similar:

The Secretary of the Interior is authorized to withdraw from the Treasury of the United States the sum of \$10,000 from any funds to the credit of the Indians on the Cheyenne River Reservation, and expend the same for the construction of roads and bridges within said reservation.

They have quite a lot of tribal land here across which there are no roads.

The CHAIRMAN. Is that all the statement you desire to make about that one, Mr. Gandy?

Mr. GANDY. I believe so.

The CHAIRMAN. Mr. Meritt, are you familiar with those items which have just been presented by Mr. Gandy, and particularly as to whether or not these Indians have the funds to their credit? If

so, will you put into the record the amount of Indian funds which are without other liens or obligation already upon them, which each of the tribes has who are involved in these amendments?

Mr. MERITT. Mr. Chairman, we are favorable to the amendments proposed. They will be distinctly for the benefit of the Indians on the reservations referred to.

The Cheyenne River Indians had in the Treasury to their credit on June 30, 1919, \$70,248, and the Pine Ridge Indians had to their credit \$561,790.

The CHAIRMAN. I understand that two of the items are out of the Pine Ridge.

Mr. GANDY. Two are out of the Cheyenne and one out of Pine Ridge.

The CHAIRMAN. The two together would take all the Cheyenne River Indians' value.

Mr. GANDY. The two together would take \$50,000.

The CHAIRMAN. What is the possibility of the money being actually withdrawn? I mean within the immediate future.

Mr. GANDY. I don't understand your question.

The CHAIRMAN. I will put it this way: When do you expect, if we put this in the act and it becomes a law, that they would begin to actually spend the money?

Mr. GANDY. I anticipate some time within the coming year.

The CHAIRMAN. All right.

Mr. HAYDEN. The amendments proposed by Mr. Gandy should follow line 22, page 77, at the end of South Dakota.

The CHAIRMAN. If there is no objection, we will enter them there.

Mr. GANDY. Then in connection with my statement I offer for the record a letter from the Commissioner of Indian Affairs, dated September 2, authorizing the investigation; a letter from the Cheyenne River superintendent of August 14, making a report; a letter from the governor of South Dakota, dated September 20, 1919; and a letter from the Commissioner of Indian Affairs, dated October 9, 1919.

(The papers referred to follow:)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., September 2, 1919.

DEAR MR. GANDY: This will refer further to your letter of July 28, 1919, in regard to the construction of a bridge across the Cheyenne River at the Cherry Creek substation, on the Cheyenne River Indian Reservation. A report has been received from the superintendent on this matter, a copy of which is attached hereto for your information. Mr. McGregor states that the bridge will cost approximately \$100,000, and recommends that each of the two counties interested bear one-third of this amount, the Government to contribute the other third.

Upon receipt of assurance from the proper officials of the two counties that the above arrangement will be satisfactory to them I will give careful consideration to the matter of including an item for this bridge in the estimates to be submitted to Congress for the ensuing fiscal year.

Sincerely, yours,

CATO SELLS, *Commissioner.*

HON. HARRY L. GANDY,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Cheyenne Agency, S. Dak., August 14, 1919.

THE COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: Referring to office letter of August 2 regarding the proposed bridge across the Cheyenne River near the Cherry Creek station, I have the honor to explain that this bridge is greatly needed and would benefit the two countries and the Indians equally. I have, therefore, recommended that each country bear one-third of the expense, and providing your office approves it, the Indians bear the other one-third.

There are about 800 Indians in that district and a bridge across the Cheyenne would give them a good road south to the Northwestern Railroad. As it is now they must all travel north to the Chicago, Milwaukee & St. Paul. This river forms almost a complete barrier to the south of the reservation, and as there is no bridge from the mouth to the western line of the reservation, I am very anxious to have the bridge built at the Cherry Creek station.

The bridge will cost approximately \$100,000. This high cost would be brought about from the fact that the river is wide and has a quicksand formation, and it would be necessary to put piers about 75 feet in the ground to get a solid foundation.

The two countries that are separated by the Cheyenne River do not agree that a third of the cost for the Indians is an equitable division, as they feel that the Indians should bear half the cost; but, knowing the conditions as I do, and knowing the value it would be to white people, I feel that a third is as much as I could conscientiously recommend to be paid from Indian funds; but I unhesitatingly recommend that this amount be borne by our department.

I presume that this matter could be taken care of in the next Indian appropriation bill and believe the congressional delegation from this State would be glad to lend their support, as there is quite a sentiment in South Dakota now in favor of better roads.

Respectfully,

JAMES H. MCGREGOR,
Superintendent.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, October 9, 1919.

DEAR MR. GANDY: I have your letter of September 25, transmitting a communication from Gov. Norbeck, of South Dakota, offering, in behalf of the State highway commission, to become responsible for two-thirds of the cost of the proposed bridge across the Cheyenne River on the Indian reservation of that name, if the Government will provide the other third, the total cost of the bridge to be approximately \$100,000.

The estimates for the ensuing fiscal year have already been made up; however, when they come before the committee I will be glad to cooperate with you in having an item of \$35,000 included therein for the Government's share of the cost of this bridge.

Gov. Norbeck's letter is returned herewith.

Sincerely, yours,

CATO SELLS, *Commissioner.*

HON. HARRY L. GANDY,
House of Representatives.

The CHAIRMAN. The clerk will read the next item. (The clerk read the next item as follows:)

For completing the construction of diversion dams and canal systems for irrigating twelve thousand acres of Indian land adjacent to Toppenish and Simcoe Creeks, Yakima Indian Reservation, as provided for in the act of June 30, 1919 (Forty-first Statutes at Large, page 28), \$125,000: *Provided*, That the limit of cost of this project, as fixed by the aforesaid act, is hereby changed from \$150,000 to \$200,000.

Mr. MERITT. We offer for the record the following justification:

Toppenish and Simcoe Creeks Irrigation Project, Yakima Reservation, Wash. (reimbursable).

Fiscal year ending June 30, 1920, amount appropriated, \$75,000.

Fiscal year ended June 30, 1919, no corresponding appropriation for 1919.

Indian tribe, Confederated Yakimas.

Number of Indians, 3,000.

Area of reservation, 1,145,059 acres.

Irrigation project started, 1919.

Work done by force account, using principally Indian labor.

Area of irrigable land under project, 12,000 acres.

Area of irrigable land under constructed works, none.

Estimated additional cost to complete, none.

Estimated cost per acre when completed, \$16.67.

Average value of irrigated land per acre, \$150.

Average annual precipitation, 12 inches.

Source of water supply, Toppenish and Simcoe Creeks.

Crops produced: Alfalfa, sugar beets, wheat, oats, rye, barley, potatoes, corn, fruit.

Market for products, local and general; excellent.

Distance from railroad, two miles.

The current year's appropriation act carries the sum of \$75,000 for beginning the construction of diversion dams and canal systems for irrigating 12,000 acres of land adjacent to Toppenish and Simcoe Creeks, the total cost of the project not to exceed \$150,000. The land within this project is almost equal to the land within the Wapato project and will undoubtedly produce manifold returns for the money expended. This item carries sufficient funds to complete this project, but, owing to the increased cost of material and labor since the estimates for the work were made, it has become necessary to request that the limit of cost be fixed at \$200,000 instead of \$150,000, and that additional funds be appropriated accordingly. At the revised estimate the cost per acre will average \$16.67, whereas it is reasonable to expect, in view of the showing on the Wapato project that the lands under this system will produce yields in excess of \$100 per acre per annum as soon as irrigation water can be delivered.

Mr. HAYDEN. If I understand the situation, Mr. Reed, the land to be irrigated from the Toppenish and Simcoe Creeks lies above the high-line canal of the Wapato irrigation project, which obtains its water from the Yakima River?

Mr. REED. Yes, sir.

Mr. HAYDEN. These creeks being branches of that stream, so that it is not a part of the original Yakima irrigation project, but is a new project above and to one side of it, which obtains water from a different source?

Mr. REED. Yes, sir.

Mr. HAYDEN. Is the water supply ample from these creeks?

Mr. REED. The water supply is not ample for the entire year; it is ample up until about the 1st of July. It enables them to produce one crop each year.

Mr. HAYDEN. So that it is not as good a project as the Yakima?

Mr. REED. No; not under present conditions.

Mr. HAYDEN. But you are satisfied that crops can be grown every year?

Mr. REED. Yes.

The CHAIRMAN. Now, no part of this original \$75,000 has yet been expended in actual construction?

Mr. REED. It is being expended right along.

The CHAIRMAN. In construction?

Mr. REED. Yes.

Mr. HAYDEN. What part of the cost goes into diversion dams and what part into canals?

Mr. REED. The diversion dam is a very simple matter. It only costs two or three thousand dollars. It is mostly canals.

The CHAIRMAN. Now you are asking for an increase of \$50,000. When do you estimate that you could finish this project if you had the whole \$125,000 you ask for?

Mr. REED. Next year.

The CHAIRMAN. You can actually finish it next year?

Mr. REED. Yes, sir.

The CHAIRMAN. And how far have you gotten along with the construction now? Have you done anything more than to get machinery up there to work with?

Mr. REED. Yes; we have begun to open up the ditches.

The CHAIRMAN. And how much of a force have you there now?

Mr. REED. It is not large. As I remember, it was somewhere between 40 and 50 men the last report.

Mr. HAYDEN. Would you shift one of the drag-line dredges from the Yakima project and use it on this project if Congress gave you this money?

Mr. REED. We could.

The CHAIRMAN. Now, tell us what the nature of the work is there and what you propose to do with this money.

Mr. REED. We propose to throw diversion dams into both the Toponish and Simcoe Creeks and divert the water, carrying it in canals above the upper edge of the land, and then the construction of laterals leading directly onto the land.

The CHAIRMAN. Now, then, what effect will the legislation that we have placed in here with regard to arrangements being made for the reimbursement of this amount, before any part of the appropriation that we now make can be expended—what effect will that have? Could the Secretary of the Interior make his arrangements with these people now?

Mr. REED. I doubt very much that people who have not raised anything on their land would be able to pay.

The CHAIRMAN. That is not the arrangement; they haven't got to pay immediately, but there has got to be an arrangement made when they will pay.

Mr. REED. Oh, yes; I think there is no doubt about that being done.

The CHAIRMAN. That would cover a proposition like this: The Secretary would arrange with them that they would begin to pay as soon as the property was under water.

Mr. REED. Yes.

The CHAIRMAN. And if that would apply to this, I don't see any real objection, since the work has been started. It seems to me if it will give water to all that land, as you state it will in the statistical statement, it seems to me that this is one of the projects which ought to be continued. What do you say, Mr. Meritt, as to the proposed legislation covering this item?

Mr. MERITT. I say that proposed legislation would apply here. There is no reason why these water users under this project should not begin immediately to reimburse the Government. Of course,

part of this land will not be placed under cultivation for two years yet.

The CHAIRMAN. I realize that, but if the proposed legislation covers this proposition, I don't see any good reason for opposing it. I would, if I could, on account of the expenditure, but since the plant has been started, since the water is needed, and since an arrangement will be made for the reimbursement of the money before any money is spent, I can't see any good reason for deferring the completion of the project, and therefore, unless there is objection, I am willing to let it stay in.

The clerk will read.

(The clerk read the next items, as follows:)

That the unexpended balance of approximately \$17,025 of the \$22,500 appropriated by the Indian appropriation act for the fiscal year 1919 (Fortieth Statutes at Large, page 588), for the construction of a road on the Quinault Reservation, Washington, to be reimbursed from any tribal funds of said Indians on deposit in the Treasury of the United States is hereby reappropriated for the same purposes and upon the same terms and conditions as provided in said act, and to be immediately available.

Mr. MERITT. We offer for the record the following justification for this item:

ROAD FROM TAHOLAH TO MOCLIPS, QUINIAULT, WASH.

The Indian act for the fiscal year 1919 (40 Stat L., 588) appropriated \$22,500 for the construction of a road from Taholah to Moclips on the Quinault Reservation, to be reimbursed from tribal funds of the Indians. However, owing to war-time conditions, the difficulties of securing labor, etc., it was impossible to complete the construction of the road, and only \$5,475 was expended therefor. The unexpended balance of the appropriation (\$17,025) reverted to the Treasury on June 30, 1919. This item merely involves the reappropriation of said unexpended balance in order that the manifest intent of Congress as to the construction of this road may be carried out.

The CHAIRMAN. Now, Mr. Meritt, as I understand it, you have to have that money to finish this road. It is already under construction.

Mr. MERITT. Part of the money has been expended and we have not been able to complete it because of war conditions, and we would like to have the money made available.

The CHAIRMAN. Well, that would not add anything to the amount of our appropriation in this bill.

Mr. MERITT. No, sir.

The CHAIRMAN. That is agreeable to me. The clerk will read the next item.

(The clerk read the next item as follows:)

WISCONSIN.

SEC. 24. For the support and education of two hundred and thirty Indian pupils at the Indian school at Hayward, Wisconsin, including pay of superintendent, \$53,350; for general repairs and improvements, \$8,000; in all, \$61,350.

Mr. MERITT. We offer for the record the following justification for this item:

Indian School, Hayward, Wis.

Fiscal year ending June 30, 1920. amount appropriated----- \$53,350.00

Fiscal year ended June 30, 1919:

Amount appropriated	\$47, 450. 00
Amount expended	46, 281. 20
Unexpended balance	1, 168. 80

Analysis of expenditures:

Salaries, wages, etc	16, 430. 08
Traveling expenses	137. 04
Transportation of supplies	39. 11
Telegraph and telephone service	96. 05
Stationery, printing, schoolroom supplies	140. 43
Subsistence supplies	7, 566. 99
Dry goods, clothing, etc	4, 052. 63
Forage	1, 432. 69
Fuel, lubricants, power and light service	6, 486. 70
Medical supplies, etc	267. 07
Live stock	375. 00
Equipment and miscellaneous material	3, 786. 12
Miscellaneous	999. 86
Outstanding liabilities	4, 471. 43
Total	46, 281. 20

REPAIRS AND IMPROVEMENTS.

Fiscal year ending June 30, 1920, amount appropriated	\$8, 000
Fiscal year ended June 30, 1919:	
Amount appropriated	8, 000
Amount expended	8, 000
Analysis of expenditures, repairs of buildings	8, 000

STATISTICAL STATEMENT FOR YEAR ENDING JUNE 30, 1919.

Value of school plant (real property)	\$131, 216
Number of buildings	25
Number of employees	26
Total salaries	\$16, 650
Average attendance of pupils	161
Average enrollment	228
Capacity	231
Cost per capita based on enrollment	\$169
Cost per capita based on average attendance	\$239
Area of school land (acres)	640
Area of school land (acres cultivated)	360
Value of agricultural products	\$6, 918
Value of other school products	\$1, 973
Indian money, proceeds of labor (school earnings) expended	\$184

SUPERINTENDENT'S ESTIMATE OF ABSOLUTE NEEDS FOR 1921.

Support	\$55, 396
Repairs and improvements	8, 000
Total	63, 396

REQUESTED IN PROPOSED BILL FOR 1921.

Support and education of 230 Indian pupils at the Indian school, and superintendent's salary	\$53, 350
Repairs and improvements	8, 000
Total	61, 350

POSITIONS AND SALARIES, 1919.			
Superintendent	\$1,700	Nurse	\$840
Clerk	1,200	Seamstress	540
Financial clerk	780	Baker	540
Physician (contract)	480	Cook	540
Disciplinarian	660	Laundress	500
Teacher	810	Engineer	840
Do	600	Assistant Engineer	300
Do	600	General mechanic	720
Do	600	Laborer	450
Industrial teacher	840	Do	300
Matron	660	Indian assistant	600
Assistant matron	500	Do	450
Do	300	Do	300
		Total	16,650

The sum of \$53,350 for support of Hayward Indian School, Hayward, Wis., will provide for 230 pupils at \$225 per capita in addition to the superintendent's salary.

The amount requested for repairs and improvements, \$8,000, which is the same as last year, will be needed for the upkeep of the school plant, comprising 25 buildings, valued at \$131,216.

The CHAIRMAN. That is O. K. The clerk will read the next item. (The clerk read the next item, as follows:)

For support and education of two hundred and seventy-five Indian pupils at the Indian school, Tomah, Wisconsin, including pay of superintendent, \$63,875; for general repairs and improvements, \$8,000; for tile draining, \$1,600; for new laundry equipment, \$4,000; for the purchase of additional land, the title to which is to be held in the United States; \$10,000; in all, \$87,475.

Mr. MERITT. We offer for the record the following justification for this item:

Indian School, Tomah, Wis.

Fiscal year ending June 30, 1920, amount appropriated	\$63,875.00
Fiscal year ended June 30, 1919:	
Amount appropriated	57,000.00
Amount expended	56,953.82
Unexpended balance	46.18
Analysis of expenditures:	
Salaries, wages, etc.	18,775.31
Traveling expenses	115.71
Transportation of supplies	17.26
Telegraph and telephone service	78.01
Stationery, printing, schoolroom supplies	392.58
Subsistence supplies	11,030.07
Dry goods, clothing, etc.	10,043.28
Forage	2,824.47
Fuel, lubricants, power and light service	8,202.26
Medical supplies, etc.	113.75
Live stock	490.00
Equipment and miscellaneous material	4,189.45
Rent of buildings	132.00
Miscellaneous	549.67
Total	56,953.82

INDIAN APPROPRIATION BILL.

REPAIRS AND IMPROVEMENTS.

Fiscal year ending June 30, 1920, amount appropriated-----	\$8,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	8,000.00
Amount expended-----	7,931.07
Unexpended balance -----	68.93
Analysis of expenditures:	
Traveling expenses -----	11.55
Repair of buildings-----	7,769.52
Outstanding liabilities -----	150.00
Total -----	7,931.07

DRAINAGE.

Fiscal year ending June 30, 1920, amount appropriated-----	\$2,500
No appropriation for 1919.	

STATISTICAL STATEMENT FOR YEAR ENDING JUNE 30, 1919.

Value of school plant (real property)-----	¹ \$176,439
Number of buildings-----	26
Number of employees-----	32
Total salaries-----	\$20,150
Average attendance of pupils-----	231
Average enrollment-----	280
Capacity-----	275
Cost per capita based on enrollment-----	\$189
Cost per capita based on average attendance-----	\$221
Area of school land (acres)-----	380
Area of school land (acres cultivated)-----	270
Value of agricultural products-----	\$19,744
Value of other school products-----	\$2,751
Indian money, proceeds of labor (school earnings) expended-----	\$3,051

SUPERINTENDENT'S ESTIMATE OF ABSOLUTE NEEDS FOR 1921.

Support-----	\$57,000
Repairs and improvements-----	8,000
New buildings and equipment and land-----	29,800
Total -----	94,800

REQUESTED IN PROPOSED BILL FOR 1921.

Support and education of 275 Indian pupils at the Indian school and superintendent's salary-----	\$63,875
Repairs and improvements-----	8,000
Tile draining-----	1,600
Equipment-----	4,000
Land-----	10,000
Total -----	87,475

¹ Value of buildings less than shown for 1918 due to error in figures in 1920 justification.

POSITIONS AND SALARIES, 1919.

Superintendent -----	\$2,000	Seamstress -----	\$600
Financial clerk -----	900	Assistant seamstress -----	300
Assistant clerk -----	720	Laundress -----	480
Property clerk -----	660	Baker -----	500
Physician (contract) -----	600	Cook -----	600
Disciplinarian -----	800	Assistant cook -----	300
Teacher -----	810	Engineer -----	1,000
Do -----	600	Assistant engineer -----	300
Do -----	600	Farmer -----	900
Do -----	600	Assistant farmer -----	300
Do -----	600	Dairyman -----	840
Matron -----	660	Carpenter -----	720
Assistant matron -----	500	Labor -----	720
Do -----	500	Do -----	480
Do -----	300	Do -----	300
Do -----	300		
Housekeeper -----	660	Total -----	20,150

The sum of \$63,875 for support of Tomah Indian school, Tomah, Wis., will provide for 275 pupils at \$225 per capita in addition to the superintendent's salary.

The amount requested for repairs and improvements, \$8,000, which is the same as the amount appropriated last year, will be needed for the upkeep of the school plant, comprising 26 buildings.

The amount requested for tile draining, \$1,600, is to reclaim some land belonging to the school which is of good quality and level, but too wet to use for farming.

No equipment except an extractor has been purchased for the laundry for many years. The present equipment has been repaired until it is almost past repairing (\$4,000).

At the present time the school is renting pasture for their stock. Something near 100 acres can be bought in the vicinity of the school for about \$10,000. This will result in an economy.

The CHAIRMAN. The chairman has examined the justification and he is willing to allow the \$1,600 and the \$4,000 item, but desires to cut out the \$10,000 item.

Mr. HAYDEN. Would there be any difficulty about acquiring that land if Congress delayed the appropriation until some time later?

Mr. MERITT. No, sir.

The CHAIRMAN. If there is no opposition to that suggestion, it will be adopted.

Mr. HAYDEN. That will reduce the amount to \$77,475.

(The clerk read the next item as follows.)

For support and civilization of the Chippewas of Lake Superior, Wisconsin, including pay of employees, \$7,000.

Mr. MERITT. We offer the following justification for this item:

Support of Chippewas of Lake Superior, Wis.

Fiscal year ending June 30, 1920, amount appropriated -----	\$7,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated -----	7,000.00
Amount expended -----	<u>7,000.00</u>

Analysis of expenditures:

Salaries, wages, etc. -----	3,929.23
Traveling expenses -----	36.79
Transportation of supplies -----	16.97
Telegraph and telephone service -----	40.30
Stationery, printing, schoolroom supplies -----	<u>1.55</u>

Analysis of expenditures—Continued.

Subsistence supplies.....	\$1,016.78
Dry goods, clothing, etc.....	6.50
Fuel, lubricants, power and light service.....	428.81
Medical supplies, etc.....	766.74
Equipment and miscellaneous material.....	723.83
Miscellaneous.....	25.53
Outstanding liabilities.....	6.92
Total.....	7,000.00

This appropriation is in the same amount as was allowed for the fiscal year 1920 and is for the support and civilization of nearly 4,000 Indians who are under the jurisdiction of the La Pointe, Hayward, Lac du Flambeau, and Red Cliff Agencies.

These Indians are employed at various times in lumbering operations, but as employment in this industry is getting less every year, their future will depend upon successful cultivation of the soil, and every effort is being made to put them on a self-supporting basis by encouraging them to farm.

There are a number of Indians on these reservations who are not capable of supporting themselves entirely, by reason of age and disabilities; therefore some help must be given them.

Reference to the analysis of expenditures will show that \$3,929.23 was used in 1919 for the pay of employees necessary for the benefit of these Indians; \$1,016.78 for the purchase of subsistence for issue to the needy; and the remainder for fuel, medical supplies, equipment, and miscellaneous material and incidental expenses arising in the conduct of the four agencies.

No unexpended balance remained; therefore it is clear that the full amount requested will be needed for the support of these Indians during 1921.

(The clerk read the next item, as follows:)

For support, education, and civilization of the Pottawatomie Indians who reside in the State of Wisconsin, including pay of employees, \$7,000.

Mr. MERITT. We offer for the record the following justification:

Support of Pottawatomies, Wisconsin.

Fiscal year ending June 30, 1920, amount appropriated.....	\$7,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated.....	7,000.00
Amount expended.....	7,000.00

Analysis of expenditures:

Salaries, wages, etc.....	5,143.32
Traveling expenses.....	1,031.15
Telegraph and telephone service.....	56.40
Forage.....	317.97
Fuel, lubricants, power and light service.....	164.00
Medical supplies, etc.....	86.05
Equipment and miscellaneous material.....	201.11
Total.....	7,000.00

This item is in the same amount as allowed for the fiscal year 1920, and is required for the administration of the affairs of 350 Pottawatomie Indians who are under the jurisdiction of Laona Agency.

These Indians live in the northern part of Wisconsin and upper peninsula of Michigan, and are occupying land purchased for them on which many comfortable homes have been erected though there are still a number who must yet be provided for. With the aid of modern farming implements these Indians are enabled to cultivate their land to a greater extent than heretofore.

The major portion of this appropriation is used for employees to look after the Indians' interests and welfare, including a physician, and for traveling expenses of employees, which is quite an item on account of the scattered location of these Indians. The balance of the appropriation is expended for forage, fuel, medical supplies, equipment, and incidental expenses of the agency.

Inasmuch as no unexpended balance remained in this appropriation, the full amount requested should be allowed.

(The clerk read the next item, as follows:)

For the support and civilization of those portions of the Wisconsin Band of Pottawatomie Indians residing in the States of Wisconsin and Michigan, and to aid said Indians in establishing homes on the lands purchased for them under the provisions of the act of Congress approved June 30, 1913, \$6 899, or so much thereof as may be necessary, said sum to be reimbursed to the United States out of the appropriation, when made, of the principal due as the proportionate share of said Indians in annuities and moneys of the Pottawatomie Tribe in which they have not shared as set forth in House Document Numbered 830 (Sixtieth Congress, first session), and the Secretary of the Interior is hereby authorized to expend the said sum in the clearing of land and the purchase of houses, building material, seed, animals, machinery, tools, implements, and other equipment and supplies necessary to enable said Indians to become self-supporting: *Provided*, That the unexpended balance of the appropriation for the fiscal year 1917 for said Indians, approximating \$28,256.13, and the unexpended balance of the appropriation for the fiscal year 1918, approximating \$55,057.37, are hereby reappropriated and made available until expended: *Provided, however*, That the above-mentioned sums shall be used only for the purposes set forth in section 25 of the act approved May 18, 1916 (Thirty-ninth Statutes at Large, pages 156 and 157) and section 24 of the act approved March 2, 1917 (Thirty-ninth Statutes at Large, page 991).

Mr. MERITT. We offer the following justification for this item:

Support of Wisconsin Band of Pottawatomes, Wisconsin and Michigan (reimbursable).

Fiscal year ending June 30, 1920, amount appropriated..... \$15,500.00

Fiscal year ended June 30, 1919:

Amount appropriated..... 75,000.00

Amount expended..... 53,907.87

Unexpended balance..... 21,092.13

Analysis of expenditures:

Salaries, wages, etc..... 1,919.50

Transportation of supplies..... 148.43

Subsistence supplies..... 42.60

Dry goods, clothing, etc..... 35.40

Forage..... 1,342.73

Live stock..... 3,456.50

Implements, vehicles, household furniture, fence material, and harness..... 18,925.96

Attorney's fees..... 27,000.00

Rent of buildings..... 192.00

Seed..... 769.75

Miscellaneous..... 75.00

Total..... 53,907.87

Under the treaty of September 26, 1833 (7 Stat. L., 431), the Potawatomi Indians in Wisconsin and Michigan ceded to the Government all their lands in the States mentioned and agreed to remove west of the Mississippi River. Half of the tribe, numbering about 2,000, removed and the remainder fled to northern Wisconsin and Michigan and Canada.

Rev. Erik O. Morstad, a Lutheran missionary, who has spent his life among these refugees, prepared a roll about the year 1906 and urged that their claim to tribal benefits and annuities, including the lands which should have been given to them had they removed, be adjudicated by the Government. A bill was introduced and passed by Congress on June 21, 1906 (34 Stat. L., 380), authorizing the Secretary of the Interior to prepare a roll and report what funds were due the refugee branch. Such a roll was prepared and submitted, showing 454 Wisconsin-Potawatomi Indians in the United States and about

1,500 Potawatomes and their descendants in Canada. The report is embodied in House Document No. 830, Sixtieth Congress, first session.

This report also shows that \$447,339 was due that portion of this band residing in the United States. Congress from time to time has apportioned small sums for the support, education, and civilization of the Potawatomi Indians in Wisconsin. Several bills have been introduced to appropriate the entire amount found due the Indians residing in the United States, but no action by Congress has been taken with respect to the Canadian branch.

The Wisconsin-Potawatomi Indians are located in several counties in northern Wisconsin and the Upper Peninsula of Michigan. The act of June 30, 1913 (38 Stat. L., 77-102), appropriated the sum of \$150,000, reimbursable from the money due the Indians, when appropriated, for the purchase of lands in Wisconsin for these Potawatomi Indians residing in the United States. This money has practically all been expended for the purpose indicated, approximately 13,640 acres of land having been purchased. The act referred to provides that the land purchased, except such as may be needed for administrative purposes, shall be divided equitably among the Indians entitled thereto, and patents therefor issued in conformity with the general allotment act of February 8, 1887 (24 Stat. L., 388).

The land purchased for these Indians is all cut-over land, heavily covered with brush, stumps, and small trees, and its clearing for cultivation was a task entirely beyond the means and facilities of the Indians, who formerly lived under very wretched conditions. Therefore it was necessary to provide additional funds for this purpose, as shown in the following table, which also includes the original appropriation for the purchase of land.

Date of appropriation act.	Statute reference.		Object.			
	Volume.	Page.	Purchase of land	Support and civilization.	Per capita payments.	Total.
June 30, 1913.....	38	102	\$150,000			\$150,000
May 18, 1916.....	39	156		\$75,000	\$25,000	100,000
Mar. 2, 1917.....	39	991		75,000	25,000	100,000
May 25, 1918.....	40	589		75,000		75,000
June 30, 1919 ¹				15,500		15,500
Total.....			150,000	240,500	50,000	440,500

¹ Public, No. 3, 66th Cong., p. 30.

The report to Congress, published as House Document No. 830, Sixtieth Congress, first session, shows that these Indians are entitled to \$447,339, and as \$440,500 has already been appropriated for their benefit, this leaves a balance of \$6,899, or the amount carried in the item now under consideration.

Of the \$75,000 appropriated for support and civilization purposes in each of the fiscal years 1917 and 1918, there remain unexpended approximately the sums of \$28,256.13 and \$55,057.37, respectively, or a total of \$83,213.50, which it is proposed to reappropriate and make available until expended, in view of the fact that the money was originally appropriated for the benefit of the Indians, to be reimbursed from the appropriation, when made, to cover the \$447,339 due them, as set forth above.

It is further provided that the expenditure of said sums, if reappropriated, shall be limited to the purposes set forth in the original acts making the money available, namely, for the support and civilization of said Indians and to aid them in establishing homes on the land purchased for them, such as the clearing of land, the purchase of houses, building material, seed, animals, machinery, tools, implements, and other equipment and supplies necessary to enable said Indians to become self-supporting.

The CHAIRMAN. With that we will recess until 2 o'clock this afternoon.

(Whereupon, at 12.20 o'clock p. m., the committee recessed.)

AFTER RECESS.

The committee reassembled at 2 o'clock p. m., pursuant to recess. The CHAIRMAN. Gentlemen, we will come to order and proceed with the hearings.

We have under consideration the paragraph with reference to the Wisconsin band of Potawatomie Indians, on page 88, line 3.

Mr. HAYDEN. This is a reduction from \$15,500 to \$6,899. The only difference that I want to have explained is that in the bill last year there was a provision that no further expenditures should be authorized to be made under appropriations heretofore enacted, making provisions for the purchase of land and clearing of the same for Potawatomie Indians. In this bill you authorize expenditures for clearing land and the purchase of houses for these Indians. Why that change in policy?

Mr. MERITT. There is only about \$6,899 to be expended out of that appropriation, and if the committee does not like that language in the bill, it is agreeable to us to have it stricken out.

The CHAIRMAN. But you have an unexpended balance here of about \$80,000—over \$80,000; you have two items you desire to have reappropriated, approximately \$80,000, and an unexpended balance in the statistical report of \$21,092.13.

Mr. MERITT. That proviso that you refer to was incorporated in the Senate at the suggestion of Senator La Follette. It was not the language of our estimate.

Mr. HAYDEN. Personally, I think that the plan as submitted in the estimates is better than to hand the Indians the cash. If the Indians can not be trusted to satisfactorily expend the money, I would like to leave it in the discretion of the Indian Service. It appears that you are consistent in asking for this legislation?

Mr. MERITT. Yes.

The CHAIRMAN. Are you asking for this, or is Senator La Follette asking for it?

Mr. MERITT. We are asking for it.

The CHAIRMAN. I am inclined, if this will close it up, to permit it to stand as it is, and we will O. K. it and read the next.

(The clerk read the next item, as follows:)

For the purchase of subsistence supplies in relieving cases of actual distress and suffering among those needy St. Croix Indians of Wisconsin whose cases are referred to in report of January 30, 1915, transmitted by the Secretary of the Interior to the House of Representatives March 3, 1915, pursuant to the provisions of the act of Congress of August 1, 1914 (Thirty-eighth Statutes at Large, pages 582 to 605), and printed as House Document Numbered 1663, Sixty-third Congress, third session, \$1,000.

Mr. MERITT. We offer for the record the following justification:

Relieving distress among St. Croix Indians, Wisconsin.

Fiscal year ending June 30, 1920, amount appropriated..... \$1,000
No appropriation for 1919.

This item is necessary to purchase food supplies to prevent suffering and distress among a number of so-called St. Croix Chippewa Indians of Wisconsin, who were found by an investigating official of the Indian Bureau to be living in rude huts and illy constructed teepees in the region of the St. Croix and Yellow Rivers, Wis., and to be subsisting on roots and muskrats, and without proper protection from the severe northern winters. Their cases

were referred to in report of January 30, 1915, transmitted by the Secretary of the Interior to the House of Representatives March 3, 1915, pursuant to the provisions of the act of Congress of August 1, 1914 (38 Stat. L., 582-605), and printed as House Document No. 1663, Sixty-third Congress, third session.

The CHAIRMAN. Now, as I understand that, Mr. Meritt, that was an item of \$1,000 put in to take care of these few Indians who are in distress up there, until such time as the items referred to here in the report might be enacted into law. Mr. La Follette tried to put them in last year—that is, last December, and also again in the spring—and there is legislation in the House now which has been reported out by this committee to correct that situation, and this looks like a continuing proposition. Certainly \$1,000 is not enough to do anything with, and I don't know that there is anybody up there to distribute the \$1,000, and if there isn't, it will cost the entire \$1,000 to get ready to distribute it, and so I don't feel disposed to carry the appropriation unless it is actually shown that there is some benefit accruing to some considerable number of indigent Indians.

Mr. MERITT. There are 95 of these St. Croix Chippewa Indians, and our information is that they are very poor, and there is considerable suffering among them during the winter months, and we will use the present force in the Indian Service in the State of Wisconsin to get this relief to these Indians, and there will be very little overhead expense.

The CHAIRMAN. Well, as I understand it, these ninety odd Indians are distributed over a considerable territory.

Mr. MERITT. Yes, sir.

The CHAIRMAN. And it will take some person considerable time to hunt them up and find out what their needs are; and if he found that the whole 95 were in need, he couldn't go very far with this \$1,000 after paying his expenses.

Mr. MERITT. We know their locations and where they live. House Document No. 1663, Sixty-third Congress, third session, gives the names and residences of these Indians.

The CHAIRMAN. Are those the same 95 who are to be benefited by that other legislation?

Mr. MERITT. Yes, sir.

The CHAIRMAN. And if that should go through, there would be no further need for this appropriation?

Mr. MERITT. We could do without this appropriation if the other legislation should pass, but if the probabilities are that the other legislation will not get through Congress, then we will need this appropriation.

The CHAIRMAN. Well, I don't know about the probabilities of the other thing; I know it didn't get through in this bill.

Mr. HAYDEN. That bill has been favorably reported to the House. We might allow this appropriation for one more year.

The CHAIRMAN. All right, we will O. K. it, but it looks like a continuing operation that might increase the appropriation.

Now that brings us to page 91, line 18, Wyoming.

(The clerk read the next item as follows:)

WYOMING.

SEC. 25. For support and civilization of Shoshone Indians in Wyoming, including pay of employees, \$15,000.

Mr. MERITT. We offer for the record the following justification:

Support of Shoshones in Wyoming.

Fiscal year ending June 30, 1920, amount appropriated-----	\$15,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	15,000.00
Amount expended-----	15,000.00
<hr/>	
Analysis of expenditures:	
Salaries, wages, etc-----	3,321.61
Traveling expenses-----	826.82
Transportation of supplies-----	6.93
Telegraph and telephone service-----	81.05
Subsistence supplies-----	132.00
Dry goods, clothing, etc-----	47.05
Forage-----	1,505.73
Fuel, lubricants, power, and light service-----	1,605.12
Medical supplies, etc-----	12.00
Equipment and miscellaneous material-----	2,478.00
Miscellaneous-----	21.25
Outstanding liabilities-----	4,962.44
<hr/>	
Total-----	15,000.00

This item is required for the support and civilization of the Shoshones of the Wind River Reservation, Wyo., numbering 861, and the amount requested is the same as allowed for the fiscal year 1920 for the administration of the affairs of these Indians.

The appropriation, as the analysis shows, is used for the purchase of forage, fuel, illuminants, subsistence, farming implements and equipment, traveling expenses, pay of certain employees, and miscellaneous expenses for the conduct of the agency.

NOTE.—There are 851 Arapahoes under the jurisdiction of the Shoshone Agency, who are provided for under the appropriation, "Support of Northern Cheyennes and Arapahoes, Montana."

The CHAIRMAN. Is that a treaty item?

Mr. MERITT. No, sir; it is an item that has been carried in the bill for a number of years to carry on the administrative expenses of that reservation.

The CHAIRMAN. Is it a continuing necessary item?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Is there a sufficient number of Indians up there to use that amount of money on economically?

Mr. MERITT. We have 1,712 Indians on the Shoshone Reservation.

The CHAIRMAN. Well, of course, they are not all supported by this.

Mr. MERITT. But their affairs are supervised by employees who are paid out of this appropriation.

The CHAIRMAN. I see that the salary list is \$3,321.61. That is a sufficient amount to carry on the activities up there in a proper way?

Mr. MERITT. Yes, sir.

The CHAIRMAN. We will O. K. that, then.

(The clerk read the next item as follows:)

For support and education of 150 Indian pupils at the Indian school, Shoshone Reservation, Wyo., including pay of superintendent, \$36,250; for general repairs and improvements, \$5,000; in all, \$41,250.

Mr. MERITT. We offer for the record the following justification in support of this item:

Indian School, Shoshone Reservation, Wyo.

Fiscal year ending June 30, 1920, amount appropriated-----	\$36,250.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	32,500.00
Amount expended-----	31,673.28
Unexpended balance-----	826.72
Analysis of expenditures:	
Salaries, wages, etc-----	10,948.19
Transportation of supplies-----	1,362.63
Telegraph and telephone service-----	44.00
Stationery, printing, schoolroom supplies-----	146.49
Subsistence supplies-----	1,435.56
Dry goods, clothing, etc-----	2,135.96
Fuel, lubricants, power and light service-----	2,408.70
Medical supplies, etc-----	62.52
Equipment and miscellaneous material-----	3,145.76
Miscellaneous-----	31.80
Outstanding liabilities-----	9,951.67
Total-----	31,673.28

REPAIRS AND IMPROVEMENTS.

Fiscal year ending June 30, 1920, amount appropriated-----	\$5,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated-----	5,000.00
Amount expended-----	4,257.01
Unexpended balance-----	742.99
Analysis of expenditures:	
Repair of buildings-----	2,816.74
Outstanding liabilities-----	1,440.27
Total-----	4,257.01

STATISTICAL STATEMENT FOR YEAR ENDING JUNE 30, 1919.

Value of school plant (real property)-----	\$151,708
Number of buildings-----	22
Number of employees-----	15
Total salaries-----	\$12,700
Average attendance of pupils-----	61
Average enrollment-----	86
Capacity-----	135
Cost per capita based on enrollment-----	¹ \$145
Cost per capita based on average attendance-----	¹ \$240
Area of school land (acres)-----	1,210
Area of school land (acres cultivated)-----	² 775
Value of agricultural products-----	\$11,020
Value of other school products-----	\$327
Indian money, proceeds of labor (school earnings), expended-----	\$2,994

¹ This per capita cost is not accurate, as the cost of operating one day school is included.

² This does not include 399 acres of pasture.

SUPERINTENDENT'S ESTIMATE OF ABSOLUTE NEEDS FOR 1921.

Support.....	\$37, 685
Repairs and improvements	3, 000
Total.....	40, 685

REQUESTED IN PROPOSED BILL FOR 1921.

Support and education of 150 Indian pupils at the Indian school and superintendent's salary.....	\$36, 250
Repairs and improvements	5, 000
Total.....	41, 250

POSITIONS AND SALARIES, 1919.

Superintendent.....	\$2, 500	Nurse	¹ \$840
Principal.....	1, 300	Baker.....	300
Disciplinarian.....	840	Cook.....	600
Principal teacher.....	900	Farmer.....	840
Teacher.....	660	Engineer.....	900
Matron.....	660	General mechanic.....	720
Assistant matron.....	540		
Seamstress.....	600	Total.....	12, 700
Laundress.....	500		

¹ One-half payable from "Support of Shoshones in Wyoming, 1920."

The sum requested for support and education of 150 Indian pupils, including salary of the superintendent, is \$36,250. This amount is based upon a per capita allowance of \$225.

Five thousand dollars is requested for general repairs and improvements. This amount was provided last year and will be needed again. Many of the old buildings are constructed of adobe and are in need of constant repairs. The heating, lighting, sewer and water systems must be kept in efficient condition.

Mr. MERITT. The same amount is asked as was appropriated last year. Mr. Chairman, I will say that we are not at all pleased with the showing of the attendance at this school. I have called the matter to the attention of the Education Division, with the request that an explanation be made.

The CHAIRMAN. Now, Mr. Meritt, I have made a pretty careful investigation of this item myself, and I note that the average attendance of pupils up there is 61, and that the capacity is 135, and that the per capita cost, based on average attendance, is \$240, and that you asked for support, \$37,685. I can not make those figures agree. The actual amount spent under this statistical report here for 61 pupils would be \$640 per capita, based on the attendance. I would like an explanation of that, if there is any. I would like to know how you arrive at the \$240 per capita cost, based on the average attendance, which you report was 61.

Mr. MERITT. They have a note here:

This per capita cost is not accurate, as the cost of operating one day school is included.

The CHAIRMAN. Well, that would not begin to compensate for it—one day school. Unless we knew what day school it was, we couldn't tell much about it.

Mr. MERITT. We have one day school on that reservation with a capacity of 25, a total enrollment of 18, an average enrollment of 15, an average attendance of 11.

The CHAIRMAN. What does it cost?

Mr. MERITT. I haven't that information.

The CHAIRMAN. It is in the books. It is in one of the reports I have seen. That would give the number of teachers and the assistants.

Mr. MERITT. This is one of the schools that would be abolished under the legislation in this bill.

The CHAIRMAN. I appreciate that, and it certainly ought to be.

Mr. MERITT. Unless they should increase the attendance very materially.

The CHAIRMAN. If this goes in we must be able to justify these figures in some way. I would like to see, Mr. Meritt, on a piece of paper in your own mathematical way, how you arrive at the cost per capita, based on average attendance at \$240, where the average attendance is only 61, and where the amount asked for for the support, based on 245, is \$37,685.

Mr. MERITT. That is undoubtedly an error, and I will call the matter to the attention of the office. Of course, these statements are prepared by clerks in the Indian Office.

The CHAIRMAN. Now, you are asking at the present time for an appropriation for this school. Will you revise this statistical statement and bring it in to the form that it should be in?

Mr. MERITT. Yes, sir.

The CHAIRMAN. And place it in the record at this point; \$41,250 you are asking for, and I am trying to admit that I don't yet understand the method under which you arrive at your request for the support fund on the capacity of the school, and I would like, if you have it handy, to see the law on that question.

Mr. MERITT. There is no law on that question, Mr. Chairman. There is a law, however, which limits us to an amount per pupil.

The CHAIRMAN. That is what I want to see. If you will show me that now, maybe I can get the meaning through my head.

Mr. MERITT. It limits us to a certain amount per capita, depending upon the actual attendance at the school. The law found in the last Indian appropriation act reads as follows:

That hereafter, except for pay of superintendents and for transportation of goods and supplies, and transportation of pupils, not more than \$225 shall be expended from appropriations made in this act, or any other act, for the annual support and education of any one pupil in any Indian school, unless the attendance in any school shall be less than 200 pupils, in which case the Secretary of the Interior may authorize a per capita expenditure of not to exceed \$250.

The CHAIRMAN. Now, Mr. Rhodes, you are a lawyer and perhaps can understand that, but I can't conceive of how that gives the authority to base the application for the appropriation upon the capacity of the school.

Mr. RHODES. Will you read the first few lines of that again? I was not giving it close attention.

Mr. MERITT. I will read the entire section of per capita cost as it is found in the Indian appropriation act of the current year:

That hereafter, except for pay of superintendents and for transportation of goods and supplies, and transportation of pupils, not more than \$225 shall be expended from appropriations made in this act or any other act for the annual support and education of any one pupil in any Indian school, unless the attend-

ance in any school shall be less than 200 pupils, in which case the Secretary of the Interior may authorize a per capita expenditure of not to exceed \$250: *Provided*, That the total amount appropriated for the support of such schools shall not be exceeded: *Provided further*, That the number of pupils in any school entitled to the per capita allowance hereby provided for shall be based upon average attendance determined by dividing the total daily attendance by the number of days the school is in session: *Provided further*, That all moneys appropriated for school purposes among the Indians for the fiscal year ending June 30, 1919, may be expended without restriction as to per capita expenditure for the annual support and education of any one pupil in any school.

The CHAIRMAN. That last section was put in there on account of the fact of the "flu," and one thing and another.

Mr. RHODES. I would hold, under the reading of that section, that there was no authority under the provisions of this act to fix the per capita expenditure on the capacity; but in order to fix the per capita expenditure you have first to arrive at the average daily attendance, which tells you how to do it, and it is the average attendance on which the authority to fix the per capita is based, and not upon the capacity, as I would understand that law.

The CHAIRMAN. But in all these cases they are requesting the appropriation based upon the capacity at \$225 per annum.

Mr. RHODES. Well, I say I can't see any authority for that in that section.

The CHAIRMAN. That is what I want Mr. Meritt to point out, and give us an illustration, so that we can defend that, if it is the right thing to do.

Mr. MERITT. The opinion of Mr. Rhodes is correct, so far as expending the money is concerned, but there is no law requiring us to submit our estimates along any particular line. It is wholly impracticable for us to submit our estimates on the actual attendance, because we have to anticipate what that attendance will be. Now we have, in making up our estimates, to request appropriations for practically one year in advance of the expenditure of those appropriations, and, of course, it is absolutely impossible for us to know what the actual attendance will be. Now, in making up our estimates for this year we asked for \$200 per capita for all schools of 400 or over, and all schools under 400 we asked for \$225 per capita, based on capacity, but in expending that money we will, of course, endeavor to comply with the strict letter of the law.

Mr. RHODES. In other words, Mr. Meritt undertakes to say this: That authority to spend money appropriated is one thing, and their right to ask for an appropriation in the form of an estimate is quite a different thing, and that they can't tell from the practical standpoint exactly how much money to ask Congress to appropriate, based upon the actual attendance, because they don't know what the actual attendance is going to be. That would be your reason for not being able to estimate the amount for maintenance in accordance with that provision of law.

So you would have your estimates call for a larger sum than you are allowed to expend under the law. The theory under which you estimate calls for a larger sum of money than you probably will be authorized to expend, because your average daily attendance is never equal to the capacity of your school.

Mr. MERITT. That is true, but we are not asking for the full amount in our estimates that we are authorized to expend under the law.

You will notice that under the law we are authorized to expend \$225 per capita on all schools, except those with an enrollment of less than 200.

Mr. RHODES. That would be your authority there, because of the facts in that case.

The CHAIRMAN. But the facts are that in practically all of these appropriations, where they were based upon capacity and not attendance, that you did use up all of the appropriation.

Mr. MERITT. But we kept within the law in those expenditures, except in a few schools. Now, at a few schools they have exceeded the amount authorized by law.

The CHAIRMAN. That is what I want to get at, how you kept within the law, when you got an appropriation for capacity and expended it on attendance, with the big discrepancy between the two.

Mr. MERITT. The superintendents have been advised of this legislation and they have been instructed as to the method of computing the actual attendance, and they have been directed to keep within the law, but the superintendent of this school that we now have under consideration, the Shoshone School, has not kept within the law, and the figures that they have submitted here are wrong and I shall endeavor to have those figures corrected.

The CHAIRMAN. Now, Mr. Meritt, if you think you have placed sufficient in the record so that we can explain the way they handle the matter in connection with the law, then that is all I am looking for. But I wish, Mr. Meritt, to turn back to 166, the Indian school at Tomah, and point out to me, if you will, in the analysis of expenditures, the various items in that schedule which would be support items, which would make up the \$225 per pupil in attendance. I am not using that one except as an example, so that we can see what items in that schedule you do actually use to support the pupils.

Mr. MERITT. In the first place the salary of the superintendent and the cost of transportation for goods and supplies would not be charged against the support fund.

The CHAIRMAN. Now, that is transportation of supplies?

Mr. MERITT. Goods and supplies and the transportation of pupils.

The CHAIRMAN. Now, let me read this to you and ask you—is this part of salaries and wages?

Mr. MERITT. All the salaries and wages at that school, except the salary of the superintendent.

The CHAIRMAN. Which is how much?

Mr. MERITT. At that school it is \$2,000.

The CHAIRMAN. Now, what about the traveling expenses, the second item in the list, page 166?

Mr. MERITT. The traveling expenses would go into the cost.

The CHAIRMAN. And not be charged against the support?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Now, what about transportation of supplies?

Mr. MERITT. No; traveling expenses would be charged against support, but that should not include the transportation of the pupils.

The CHAIRMAN. But I am just asking about this particular item of traveling expense.

Mr. MERITT. That is probably the traveling expense of the superintendent going out to get pupils.

The CHAIRMAN. Well, what I am asking is whether that is part of the item of support or not?

Mr. MERITT. That would probably be support.

The CHAIRMAN. Now, the third item, "Transportation of supplies."

Mr. MERITT. That would not come within that.

The CHAIRMAN. Now, "Telegraph and telephone service."

Mr. MERITT. That would be charged up to the support fund.

The CHAIRMAN. Then "Stationery, printing, schoolroom supplies." What about that?

Mr. MERITT. That would be charged up to the support fund.

The CHAIRMAN. "Subsistence and supplies."

Mr. MERITT. That would be charged up to the fund, unless a part of those supplies were used for repairs and improvements at the school plant. If the supplies were for the purpose of furnishing food to the children, it would be charged against the support fund.

The CHAIRMAN. All right. Now, I suggest right there that your statistical report should be divided so that this committee can check up the support figures; thus we may know what items contained in the statistical report make up the support item. Now, "Dry goods, clothing," etc.

Mr. MERITT. That would be charged to the support.

The CHAIRMAN. What about forage?

Mr. MERITT. That would be charged to the support.

The CHAIRMAN. "Fuel, lubricants, power, light, and service."

Mr. MERITT. That would be charged against support.

The CHAIRMAN. "Medical supplies," etc.

Mr. MERITT. That would be charged against support.

The CHAIRMAN. "Live stock."

Mr. MERITT. That would be charged against support.

The CHAIRMAN. Now, what is the live-stock for?

Mr. MERITT. They have cows at those schools for the purpose of furnishing milk to the students.

The CHAIRMAN. "Equipment and miscellaneous material."

Mr. MERITT. That would depend upon what that equipment was for.

The CHAIRMAN. Well, would there be any difficulty in dividing that item? I am not speaking of dividing it now, but I am speaking of it in future statistical reports.

Mr. MERITT. It would be exceedingly difficult, Mr. Chairman, but I suppose it could be done.

The CHAIRMAN. I think, as I said a moment ago, we ought to be able when we take this report to easily put together the items which make up the support account, to prove it up against the item on the other side. What about "rent of buildings"?

Mr. MERITT. That would probably be charged against support.

The CHAIRMAN. And "Miscellaneous"?

Mr. MERITT. That, too, would be charged against support.

The CHAIRMAN. Now, you see practically all of that \$56,953, with the possible exception of about \$5,000 is chargeable to support.

Mr. MERITT. Everything is chargeable against support, Mr. Chairman, except the salary of the superintendent, the transportation of goods and supplies, the transportation of pupils and the repair and improvement fund at the school.

The CHAIRMAN. And you have in here now an item of \$63,875 requested—that was in the proposed bill for 1920, based on a capacity of 275; the attendance was 231, and what I can't get through my head, as I have said before, is how you get the item of the cost per capita based on enrollment \$189 out of those figures. That figure is \$222, and you have it in the figures here at \$189. What I fear is that some analytical-minded fellow down here will ask us how we are going to prove that figure up. I can't prove it. I have tried it on every one of them. I am not much on figures but I do think I know the old "rule of three."

The difficulty Mr. Meritt is experiencing, gentlemen, is that these figures are prepared in the office by some one else and he has not figured them out for himself, because he hasn't had time to do it. You can't make one of them agree, not one.

I see that figures out \$242 instead of \$222. I was wrong; it is worse than I thought it was.

Mr. MERITT. I will take that matter up with the office and try to find out on what basis they have figured that.

The CHAIRMAN. You can see, can't you, that what has been bothering me on each one of these items is that they divide the support up which you actually spent, and using the capacity but they don't agree anywhere. I don't mean to say I figured every one of them, but I figured several of them, and I haven't found one which comes out correct or anything like it.

Mr. MERITT. I will advise you later in regard to those figures.

The CHAIRMAN. Now then, in connection with that, suppose we find the calculation I have been making here is correct, and that you had the total amount for support and that you had the capacity that your figures show you did have here, and that you have used \$242 instead of \$200, is that going to have any particular effect upon the amount you are asking for for this year, for these schools?

Mr. MERITT. No, sir.

The CHAIRMAN. Why? Simply because you have used all the money you have had, and you didn't have too much?

Mr. MERITT. It has been almost impossible for us to keep the schools going with the money that we have had available, and we have authority of law to use \$250 per capita for most of these schools.

The CHAIRMAN. Do you think now, since this discussion has come up here, you can bring in a revised statistical report on each of these items which will correct this situation so that the figures will balance?

Mr. MERITT. The following table shows how the per capita cost based on attendance is computed:

Method of computing per capita cost.

ALBUQUERQUE SCHOOL.

Superintendent's salary-----	\$2, 250. 00
Transportation of supplies-----	41. 55
Permanent equipment (estimated at one-third of the expenditure for equipment and miscellaneous material)-----	2, 009. 32
Total-----	4, 300. 87

Amount expended.....	\$83,909.00
Less deductions not included in per capita.....	4,300.87
Cost of maintaining school.....	79,608.13

Average attendance, 320.

Seventy-nine thousand six hundred and eight dollars and thirteen cents divided by average attendance (320) equals \$248 per capita cost.

The following is an explanation of the Shoshone school statistical statement:

SHOSHONE SCHOOL.

Superintendent's salary.....	\$2,500.00
Transportation of supplies.....	1,362.63
Permanent equipment (estimated at one-third of the expenditure for equipment and miscellaneous material).....	1,048.59
Total.....	4,911.22

Amount expended.....	21,721.61
Less deductions not included in per capita.....	4,911.22

Cost of maintaining school.....	16,810.39
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The footnote stating one day school was included was also an error.

Average attendance, 61.

Sixteen thousand eight hundred and ten dollars and thirty-nine cents divided by average attendance (61) equals \$275.58 per capita cost.

The CHAIRMAN. Well, we will pass that item, then, for the time being. Of course, we all appreciate that that is a very bad item, but it is so bad I don't know just exactly how to term it, but that school ought to be wiped out, and under the new legislation here, if it goes through it will be, but that doesn't alter the fact that we ought to get the figures right on the other ones.

Now, Mr. French is here and wants to be heard just a minute or two, supplementing the statement that was made by Mr. Smith here yesterday.

(Mr. French here made a statement which appears in a previous hearing.)

STATEMENT OF HON. BURTON L. FRENCH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IDAHO.

Mr. FRENCH. I should be very glad to have the statement I may make included with the statement that was made by Mr. Smith, and by those who appeared with him the other day. My other work kept me from being present on that occasion. It is in the matter of the Fort Hall Reservation and the proposition of reclaiming an additional tract of land in connection with the Fort Hall irrigation project.

At the present time there is under irrigation 23,640 acres. I probably should say that for the use of this land the dam and reservoir and the laterals and canals are not what they ought to be, especially the canals and the laterals. They are not large enough to accommodate the lands that are supposed to be under irrigation. We are urging that funds be made available for the extension of this project to take in 25,000 additional acres, that will enable the

¹ An error was made in arriving at this figure in original computations; possibly entire amount used for equipment and material was deducted through mistake.

project to have its dam made suitable for the impounding of water for the project that is developed, and for these new lands, for the enlargement of the canals and the laterals, and the extension then of canals and laterals to irrigate the additional 25,000 acres.

The reasons why I specially urge the inclusion of the item in this bill do not turn alone upon the necessity for increased food supply. Of course, it goes without saying that every additional acre that we can bring under cultivation means additional food supplies, but there are other considerations. I don't need to call to your attention the fact that the moneys that will be put into the project will be reimbursable; that it is merely an advance of money for the completion of the project; but what I would especially urge is, first, the unstable condition of the dam and the reservoir that now obtains; the fact that the laterals and the canals under the present system are not large enough to meet the present needs, and the additional reason that water that is now available—that may now be obtained by the extension of the project—in another year may not be. You gentlemen are doubtless familiar with the fact that in all that arid region the very opposite principle touching water rights prevails to that which prevails in the States where the riparian rights doctrine obtains. In our arid West, we have had to adopt the doctrine of the right of water by use and the forfeiture of the right to the use of water by its nonuse, and the result is that if we don't go ahead with the extension of this project, other projects may be developed that will take the water, and thereby these lands forever lose their opportunity of being reclaimed. It would seem that there is a duty that we owe to the Indians, themselves, on the project, to have the advantages that come from a continuation of the system. It means more to them; it means the improvement and the increase in value of their lands, and it means the harmonious working out of a project that is already begun.

Mr. HAYDEN. Mr. French, when this project was started there was a provision of law that the white men who obtained a water right should not pay more than \$6 an acre. The actual cost of providing water for their lands up to this time is about \$23 an acre, and I understand that it will cost, if the plan that you are proposing is carried out, an additional \$11 or \$12 an acre to complete the work.

Mr. FRENCH. Probably about \$40 an acre.

Mr. HAYDEN. Well, will the water users under the project agree to make up the difference between \$6 an acre, which they are obligated to pay now, and the \$27 that has been expended, or \$21 an acre, in addition to paying the \$12 an acre that it may cost to complete the work?

Mr. FRENCH. Now, my personal judgment is they ought to, and also, I would make this suggestion, that you could write that as a condition in the appropriation that you make, that those who took under it should be required to waive that provision of law which at that time was probably put on—although I was not a party to it—with the idea that it would tend to keep down the lid on expenses touching reclamation work.

Mr. HAYDEN. If such is the case, it might be to the direct financial advantage of the Treasury to recover this \$21 an acre by an advancement of \$11 an acre. As a business proposition, we might make money for the Government by doing that additional work.

The CHAIRMAN. What is the prospect up there now of making an immediate arrangement for a return of moneys that have already been advanced? Are the users of the water in sufficiently good financial condition to begin to reimburse the capital part of this investment now?

Mr. FRENCH. Why, I would not doubt but that they are. I would think that they would be able to do that, and as I understand it the idea has been that whenever a project could be estimated accurately, that then the settlers under it were required to begin their payments.

The CHAIRMAN. You have been misinformed, because there hasn't been anything of the kind done.

Mr. FRENCH. So long as it is tentative, it is not done.

The CHAIRMAN. We are proposing to have it done now, and I imagine that that is the situation right in the Fort Hall proposition, and in order to bring about an arrangement whereby payments can begin whereby a reasonable agreement can be made for the repayment of additional funds that are required to build this additional extension, we have thought it wise to hold up until we could see what kind of an arrangement could be made.

Mr. FRENCH. Well, I have no doubt that an arrangement of that kind can be made. I will say this, that it has been my understanding that in projects that are unfinished, uncompleted, the users of water under the projects have been paying to the Government what might be called maintenance charges, based upon estimates of the department.

The CHAIRMAN. They have been based upon estimates of the maintenance and operation.

Mr. FRENCH. Yes.

The CHAIRMAN. But not on the estimate of the value of the acreage after the scheme was completed.

Mr. FRENCH. That is probably true.

The CHAIRMAN. There has been about \$800,000 returned to the Government in the way of maintenance and operation charges, and an expenditure of about \$3,500,000. So up to date the returns from maintenance and operation have been rather small.

Mr. FRENCH. Yes; I suppose it has been small.

The CHAIRMAN. And there hasn't been any return to the capital part of any of this investment. So now we propose to fix that so there will be not only a charge for maintenance and operation but before any additional capital amounts may be spent upon any of these projects, an arrangement must be made for the return of the money that has already been expended, as well as that that we propose to expend in the future.

Mr. FRENCH. You are planning to work that out as a part of the general system touching all projects?

The CHAIRMAN. Every one of them.

Mr. FRENCH. And as regards this other matter to which Mr. Hayden calls attention, I think you could very well make that a condition.

The CHAIRMAN. I think Mr. Hayden has made a good suggestion, but I think that suggestion can go to the Secretary of the Interior, and when he shows that they are ready to do that, then we will get ready to give them further appropriation, but the law up there that

fixed the amount that was to be reimbursed at \$6 per acre without regard to how much was going to be expended has gone as far as this committee thinks it ought to go. Now, if they are asking for further consideration it certainly can not be on the same basis; it has got to be on another basis and we might as well try to get even for some of the things that were done to us way back there.

Mr. HAYDEN. Mr. French's suggestion is that the appropriation of some amounts—he hasn't suggested the amount—be allowed in this bill, conditioned upon an agreement by the water users that they will not only pay the \$6 an acre that they have heretofore agreed to pay, but that they will pay the full amount of the \$27 that has been actually expended, or agree to pay \$21 an acre more than they are now obligated to pay; and in addition to that, they are to agree to pay whatever the charge is for the new work, so that the Government will be reimbursed for every cent spent in their behalf. He thinks further that they are in a position to commence reimbursement at once.

Mr. FRENCH. That is my understanding, and I want to say this to the chairman, that in connection with another irrigation project—that does not come before this committee, however—the King Hill project for Idaho—the Appropriations Committee last year tied certain provisions to the appropriation that had to be met by the settlers, which included the wiping out and the adjudication of certain suits that had already begun. There were some people who were living under the project and who wanted to escape the responsibility of expenses in connection with its enlargement, and the limitation was effective in that case, and they simply have wiped out all litigation, and all these settlers who had sought to escape further responsibility have come in under it and are sharing in it.

The CHAIRMAN. How much appropriation do you suggest that you want now?

Mr. FRENCH. I think Mr. Smith has given you the figures on that. This project is in his district, and while in a general way I am familiar with it, I don't know the detailed figures that he has given to you.

The CHAIRMAN. Well, we will give your suggestion careful consideration along with the statement that Mr. Smith and the other gentlemen made, when we get to that.

Mr. RHODES. Mr. French, why haven't payments begun under the reimbursement act on this Fort Hall Reservation?

Mr. FRENCH. Why, I suppose that the same policy has been followed touching all reservations. The project is not completed. I know of no challenge that has been made by the settlers there touching the costs incurred.

Mr. RHODES. I expected you to say it was because the project was not complete.

Mr. FRENCH. That is my understanding of the case, the project is still pending, is still in course of development.

Mr. RHODES. I was wanting to lay a foundation for an analysis of the situation which justifies this extension work, because if you can't do that, this committee has either got to backtrack on a position that it has taken, or we will have to pursue the course that we have followed up to this time.

I will call your attention to this fact, that this committee thought it was justified in making no further appropriations for the extension of these projects or the completion of new projects until full use has been made of all the water on the reservation under the project. Our information is that full use is not being made of all these water rights, therefore, the conclusion that we would not be inclined to take up a new project, and, so far as I am concerned, I want to see what the necessity is for taking up this new work. I am not averse to doing it, but I want to be able to justify the position that I might take, in the event I do so.

Mr. FRENCH. It is my understanding that the laterals and canals are not sufficient to accommodate the lands that are supposed to have the benefit of the water under the present system on that project.

Mr. HAYDEN. The showing is fairly good here, Mr. Rhodes. The area of the irrigable land under constructed works is 25,000 acres, area actually irrigated 23,620 acres.

Mr. FRENCH. Making allowance for little high places and places where lava rocks may crop out. That really is a larger showing than I was expecting could be made.

Mr. RHODES. Of course, it would be very fortunate for the proposition that Mr. French represents if this committee would not be justified in refusing to make further appropriation, and if full use has been made then we ought to extend the work.

Mr. FRENCH. Well, I don't see why there could not be some sort of tentative estimate made, and the settlers under the project pay for it on the basis of that tentative estimate. If it is more than they ought to pay, they would have less, then, to pay later on.

The CHAIRMAN. Just a moment, Mr. French. Is the item that you are talking about referred to on page 35 in the bill?

Mr. MERITT. No, sir.

Mr. HAYDEN. Mr. French is asking for an entirely new item.

The CHAIRMAN. That is what I thought.

Mr. FRENCH. The item on page 35 is simply for the improvement and maintenance of the present system.

Mr. RHODES. Let me ask you another question or two in that connection.

Who occupies this land that you propose to bring under this new extension work?

The CHAIRMAN. I will read that to you, Mr. Rhodes:

The area of irrigable lands cultivated by Indians, 5,085 acres; irrigable lands cultivated by lessees, 7,490 acres; irrigable lands cultivated by white owners, 11,845 acres.

So there are 18,600 acres being cultivated by whites and 5,085 acres by Indians.

Mr. RHODES. So that would indicate it was largely a white man's project.

The CHAIRMAN. Yes.

Mr. HAYDEN. But the statement that the chairman has just read applies to the lands now in cultivation. Mr. French is talking about bringing in an additional area. He says he does not know where the ownership of that additional area lies, but he will try and furnish us with the figures.

Mr. FRENCH. I can furnish you with the figures on that. Of the 25,000 acres, about one-half is within the reservation and the other half outside.

The CHAIRMAN. Now, just excuse me a moment there. I want to ask a question of Mr. Reed: Why did you leave out this year an appropriation for Fort Hall?

Mr. REED. There is an appropriation for Fort Hall.

The CHAIRMAN. For this project, I mean; for this irrigation scheme that we are talking about.

Mr. REED. That was the policy of the office, not to put so large an amount as that required in.

The CHAIRMAN. What is the amount suggested?

Mr. REED. As I remember it, \$550,000.

The CHAIRMAN. Well, I think the policy of the bureau was correct in that regard this year.

Mr. MERITT. You will recall, Mr. Chairman, I stated when Mr. Smith was here, that the reason why we didn't estimate for this was because we had submitted a favorable report upon the bill now pending in Congress, and inasmuch as this was new construction and that another bill was pending before Congress, we thought that that was sufficient reason for not including it in our estimates.

The CHAIRMAN. Well, now, Mr. French, we have given you all the time that we expected to, and if you have anything further to say, please proceed.

Mr. RHODES. I hope you will not get the impression that some members may have gotten as the result of some of these hearings before this committee, that the committee might be averse to reclamation projects. We are not averse to those projects, but we don't feel that the condition of affluence on the part of the Public Treasury is such that we would be justified in undertaking any new projects—at least this year. When conditions improve we might be more enthusiastic in taking up such projects, but for this time we want to get along by taking care of the projects that are under construction, taking care of those that are complete, but refraining from embarking upon any new projects.

Mr. HAYDEN. I want to submit a legal question to you: Supposing that Congress made a very small appropriation for the completion of this project at this time, but declared its purpose to complete it, would such a declaration by Congress be sufficient to assure that under your State laws an appropriation of water would be obtained for this additional area of land, or would it be necessary to actually put the water on the land?

Mr. FRENCH. My judgment is that it is the use that controls, and diligence looking to its use.

Mr. HAYDEN. There is a rule in certain States that an appropriation of water will date back to the time when a declaration is made of the intention to apply the water to the land, and is such a declaration is followed up by diligent, orderly prosecution of the work in a reasonable time, the appropriation will date back as against other appropriations actually made after the time when notice was given.

Mr. FRENCH. Well, I think that is true. I think that is true in Idaho. But I would like to do this before making a final statement on that very important point: I would like to check up on it.

Mr. HAYDEN. I wish you would do that because I am sure that this committee would not want to have happen what was suggested by your State engineer yesterday—that the water rights for this land would be irrevocably lost if something was not done immediately.

Mr. FRENCH. I know that that is the theory, and whether or not a declaration of policy by Congress would be sufficient to keep water rights from being irrevocably lost, I would like to check up on it and ascertain all that would need to be done to protect application for water rights.

The CHAIRMAN. I will state that that is a fear that has frequently been brought to the attention of the committee, which in no case, so far as I know, has come true yet on any project.

Mr. HAYDEN. Whatever merit there is in it, Mr. French ought to ascertain and furnish you that data if he can.

Mr. FRENCH. I will advise the committee about that.

Mr. RHODES. I will be frank to say that I did not attach—with all due regard to the arguments made by different gentlemen—I did not attach much importance to it, because I could see what might be one man's loss would be another man's gain. Simply to say that we are justified in making this appropriation in order to keep some other fellow from getting advantage of it—I don't think that within itself is a good and sufficient reason.

Mr. FRENCH. Well, since this project has been developed, it would probably be well to continue it.

Mr. REED. I was putting all new projects upon the same basis.

The CHAIRMAN. I would like to ask Mr. Meritt what he has to say in opposition to the statement made by Mr. French?

Mr. MERITT. I have nothing to say in opposition, but the thought occurred to me that inasmuch as there are 11,045 acres under this project now being utilized by white owners, and inasmuch as it is the wish of the chairman to keep down the gratuity appropriations to the limit, would it be practicable to charge the white owners, say, \$10 per acre on the land that they have been utilizing and use that money, which would amount to over \$100,000, in the beginning of this new construction work? If that were practicable, it would be possible to begin the new construction without requiring the Treasury of the United States to bear the burden; and that, as I understand it, would be a credit on whatever would be charged to them ultimately.

The CHAIRMAN. Certainly, that would be a fund that would be a revolving fund, that could be continued to extend the new operations.

Mr. FRENCH. It seems to me that would be a good policy. Just what amount could be reasonably paid annually I could not say.

Mr. HAYDEN. Could you not ascertain by wire what would be a reasonable charge that the water users could pay?

Mr. FRENCH. Yes. Of course, \$10 an acre is a larger amount, I would say, than under Government reclamation projects, with the 20-year period.

Mr. HAYDEN. That is rather a high charge.

Mr. FRENCH. It is about twice as high, probably, as the ordinary charge would be.

Mr. MERITT. In that connection, however, it should be remembered that these white owners have been using this land for a number of years without paying anything on the construction charge.

Mr. FRENCH. Yes; that is important. I will try to furnish the committee with that information.

Mr. HAYDEN. The figure of \$6 an acre occurred to me, inasmuch as they have agreed to pay that amount.

Mr. RHODES. I don't know the facts in this case. It is a question of ownership. Are we talking about the white owners who own title in fee simple to the property, or lessees?

Mr. FRENCH. The reclamation work would be an entirely different proposition from the acquisition of land itself.

Mr. RHODES. I mean would this suggestion impose a charge upon white men who owned the title to the property?

Mr. FRENCH. Yes, or would acquire the titles under subsequent entry.

Mr. RHODES. Then the fact would apply to Indians, too? It would apply to anybody who might own the property?

Mr. FRENCH. Yes.

Mr. RHODES. Either whites or Indians?

Mr. FRENCH. I would say this: Under the general reclamation law the settlers have 20 years within which to make their payments. Now the payments are not uniform throughout, but if they were uniform it would be, say, 5 per cent every year. Now the lands heretofore reclaimed as a rule do not mount up to much over \$125 an acre. Some of them have gone higher than that, but many projects have gone less than \$100 per acre; and therefore the amount of \$10 for one year seems a little bit high; but yet I will wire and see what we can find on the subject and let you know.

The CHAIRMAN. All right, Mr. French.

Mr. MERITT. If agreeable to the committee, I will draft the proposed legislation and leave the amount blank.

The CHAIRMAN. You can draft the proposed legislation and leave it with Mr. French, and if his people out there agree to it, he can present it on the floor and we will accept it as an amendment to the bill; but we don't want it to hold up the finishing up of this bill here now.

Mr. FRENCH. All right, Mr. Chairman, I thank you very much.

The CHAIRMAN. You understand that the agreement we are making here now is based on the appropriation not being more than \$100,000 for this year.

Mr. FRENCH. Well, I think that Mr. Meritt feels that that could be used economically.

The CHAIRMAN. Well, I say that much I would be willing to accept on a reimbursable agreement such as you have suggested.

Mr. MERITT. That would be no appropriation.

The CHAIRMAN. It would have to show that we had agreed to spend the \$100,000 that they were going to pay in.

Mr. MERITT. At \$10 on all of the lands owned by the white people, that would bring in on the 11,000 acres \$110,450.

The CHAIRMAN. That is all right.

Mr. HAYDEN. If Mr. French can arrange this matter between now and Saturday, we might put it in the bill; otherwise he will have to offer an amendment on the floor of the House.

The CHAIRMAN. Provided it does not raise the amount of the appropriation item. What I mean by that is that I am not going to add another \$100,000 to this bill in figures.

Mr. MERITT. The suggestion I make will not add a cent to the bill.

The CHAIRMAN. I appreciate that, but I didn't know whether the \$100,000 would have to go into the column of total appropriations or not. I have quite made up my mind about that, as far as I can go.

The CHAIRMAN. Now let us go to page 92. The clerk will read.

(The clerk read the next item, as follows:)

For support of Shoshones in Wyoming: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (art. 10, treaty of July 3, 1868), \$5,000; for pay of second blacksmith, and such iron and steel and other materials as may be required, as per article 8, same treaty, \$1,000; in all, \$6,000.

Mr. MERITT. That is a treaty item, Mr. Chairman. We offer for the record the following justification:

Support of Shoshones, employees, etc., Wyoming.

Fiscal year ending June 30, 1920: Amount appropriated-----	\$6,000
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Fiscal year ended June 30, 1919:	
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Amount appropriated-----	6,000
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Amount expended-----	4,885
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Unexpended balance-----	1,115
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Analysis of expenditures:

Salaries, wages, etc-----	4,885
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This is a treaty item and is inserted for the purpose of enabling the Government to fulfill obligations with the Shoshones assumed under articles 8 and 10 of the treaty of July 3, 1868 (15 Stat. L., 673), which read as follows:

"ART. 8. And it is further stipulated that such persons as commence farming will receive instruction from the farmers herein provided for, and whenever more than 100 persons on either reservation shall enter upon the cultivation of the soil, a second blacksmith shall be provided, with such iron, steel, and other material as may be required."

"ART. 10. The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmith, as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons."

This appropriation was used during the fiscal year 1919 for salaries of necessary employees contemplated by the aforesaid treaty.

(The clerk read the next item as follows:)

For continuing the work of constructing an irrigation system within the diminished Shoshone or Wind River Reservation, in Wyoming, including the Big Wind River and Dry Creek Canals, and including the maintenance and operation of completed canals, \$100,000, reimbursable in accordance with the provisions of the act of March 3, 1905.

Mr. MERITT. We offer for the record the following justification:

Irrigation system, Wind River Diminished Reservation, Wyo. (reimbursable).

Fiscal year ending June 30, 1920, amount appropriated-----	\$100,000.00
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Fiscal year ended June 30, 1919:	
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Unexpended balance from prior years-----	14,452.01
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Amount appropriated-----	50,000.00
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Total-----	64,452.01
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Amount expended-----	51,348.73
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Unexpended balance-----	13,103.38
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Analysis of expenditures:

Salaries, wages, etc.....	\$39, 833. 61
Traveling expenses.....	92. 60
Transportation of supplies.....	757. 94
Telegraph and telephone service.....	60. 90
Stationery, printing, schoolroom supplies.....	67. 46
Forage.....	2, 050. 67
Fuel, lubricants, power and light service.....	2, 627. 70
Medical supplies, etc.....	9. 00
Equipment and miscellaneous material.....	5, 360. 92
Miscellaneous.....	18. 00
Outstanding liabilities.....	469. 93

Total	51, 348. 73
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Indian tribes, Shoshone and Arapahoe.

Number of Indians, 1,712.

Area of reservation, 788,480 acres.

Irrigation project started, 1885.

Work done by force account, using principally Indian labor.

Area of irrigable land under project, 75,073 acres.

Area of irrigable land under constructed works, 45,000 acres.

Area actually irrigated, 31,282 acres.

Area of irrigable land cultivated by Indians, 15,120 acres.

Area of irrigable land cultivated by lessees, 4,640 acres.

Area of irrigable land cultivated by white owners, 11,522 acres.

Cost of construction to June 30, 1919, \$842,055.52.

Cost of operation, maintenance, and miscellaneous to June 30, 1919, \$208,902.67.

Operation and maintenance charges are not collected from water users.

Estimated additional cost to complete, \$950,000.

Estimated cost per acre when completed, \$26.64.

Average value of irrigated land per acre, \$50.

Average annual precipitation, 10 inches.

Source of water supply, Big Wind River and several smaller streams.

Crops produced, alfalfa, wheat, oats, rye, barley, potatoes, sugar beets.

Market for products, local.

Distance from railroad, 18 miles.

For some time there has been a pressing demand for lands under the irrigation project on the Wind River Diminished Reservation, and the leasing of new lands and the sale of Indian lands are being greatly retarded owing to our inability to furnish an adequate water supply. Under these conditions it is deemed very desirable to press the work to completion as rapidly as practicable. In addition to the desirability of pushing the system forward, a very great deal of repair work must be undertaken. The original wooden structures placed in this project many years ago are giving away, and it is estimated that 60 cent of them are in such a condition as to imperil the system. These timber structures must be replaced with concrete at the earliest possible moment in order to avoid serious damage to the system and to the irrigated lands under it. Funds are also included in this estimate for the usual operation and maintenance of the system.

The CHAIRMAN. Now, I notice here you are actually irrigating 31,282 acres, and you have under construction work 40,000 acres, a difference of about 14,000 acres. Now, under the system we are suggesting wouldn't that be considered a sufficient amount of acreage ahead of the requirements to warrant us in saying that there was no immediate necessity for further new development at this time?

Mr. MERITT. You will notice in our justification that we call attention to the wooden structures that must be replaced in order to keep up the project.

The CHAIRMAN. That would come under the head of "Maintenance and operation," wouldn't it?

Mr. MERITT. Yes, sir.

The CHAIRMAN. I note here that the capital amount expended so far is \$842,000, and maintenance is \$208,000, or approximately 25 per cent of the construction amount. Now, why shouldn't we follow on this project the same basis that we have on the other ones, permitting a sufficient amount for maintenance and operation, plus a reasonable amount for keeping the plant from deteriorating to too great an extent, until such time as the users of the land have caught up nearer with the amount ready for cultivation in advance?

Mr. MERITT. Mr. Chairman, it would take about \$75,000 for maintenance and operation, and to replace the old structure.

The CHAIRMAN. About how much?

Mr. MERITT. \$75,000; and if it is the thought of the committee to prohibit new structures, we can reduce that amount \$75,000.

The CHAIRMAN. Is that satisfactory to you, Mr. Rhodes?

Mr. RHODES. That is all right.

Mr. HAYDEN. I notice, Mr. Chairman, that the next item for the Riverton project has been omitted from the bill, and I further note on page 650 of the book of estimates that an estimate was submitted for \$1,350,000 to carry on this project. The appropriations heretofore made were \$5,000 under the act of March 2, 1917, for investigations; \$100,000 construction and continuation of investigations under the act of May 25, 1918, and \$200,000 in the last Indian appropriation act.

The testimony of Mr. Davis when he was before the committee shows that about \$73,000 had been expended. In my opinion this project should not be abandoned and yet we may not be justified in appropriating much more at this time than the sum actually expended during the past year. Why not make an appropriation of not to exceed \$75,000 for continuing investigations, construction, operation, and maintenance of the project for this year, reimbursable as provided by law?

The CHAIRMAN. No, I would not want to go beyond \$50,000 as the extreme limit, and I do that simply with the idea that some money has been spent and that there is some justification for the project on the part of the Indian. The Indian is only indirectly involved in these projects. As I understand it, his interest comes about in this way: That this is property which was taken from the Indians and ceded for the purpose of white users, and when the property is taken up by a homesteader and he pays the Government for the property he takes, the Indian participates in the receipt of those funds to the extent that it is not charged against him for this irrigation project, and in that way it really becomes an indirect Indian project; and unless the property is irrigated, I am informed that homesteaders would not go on to it and the Indian would not receive any compensation whatever.

Mr. HAYDEN. Then if it is agreeable to you, Mr. Chairman, I offer an amendment at this point, which is practically the language of last year, except to use the term "Riverton project," inasmuch as that name was established by the last act:

For the continuing investigations, construction, operation and maintenance of the Riverton project, Wyoming, \$50,000, reimbursable in accordance with the provisions of the act of March 3, 1905.

I also offer for the record the estimate submitted in the Book of Estimates.

(The paper referred to follows:)

Irrigation project, ceded lands, Wind River Reservation, Wyo. (reimbursable)—Riverton project, Wyoming: For continuing investigations, construction, operation and maintenance, and incidental operations for watering a portion of the ceded lands of the Wind River Indian Reservation, Wyo., including personal services in the District of Columbia and elsewhere; purchase, maintenance, repair, hire, and operation of motor-propelled or horse-drawn vehicles, and for all other expenses, there is hereby appropriated out of any money in the Treasury not otherwise appropriated, reimbursable in accordance with the provisions of the act of May 25, 1918 (acts May 18, 1916, vol. 39, p. 158; Mar. 2, 191, vol. 39, pp. 969-993; May 25, 1918, vol. 40, 590, sec. 26, June 30, 1919, vol. 41, p. 30, sec. 24), \$1,350,000.

Amount appropriated for the fiscal year ending June 30, 1920, \$200,000.

The CHAIRMAN. We have the \$1,350,000 in the bill.

Mr. MERITT. We did not estimate for that item, Mr. Chairman, and we do not believe that this project should be carried in the Indian bill. It is 90 per cent a white project and 10 per cent an Indian project. This project will ultimately cost the Government more than \$6,000,000, and the attitude of Commissioner Sells has been that the Indian bill should not be burdened with carrying this white project. We have got a number of irrigation projects on our hands now that are about half way completed, and we are having to bear the burden on those projects, and we don't want to be saddled with another project of that kind.

Mr. HAYDEN. Mr. Mondell answers that argument by saying that perhaps this appropriation should not appear in this bill, but that there is no other way at this time by which we can make an appropriation for the Riverton project. Ultimately he is going to try to have it made in another bill.

The CHAIRMAN. That is the only thing which influences me. I agree absolutely with the statement Mr. Meritt has just made, that this bill is not a proper place for it, and the Bureau of Indian Affairs ought not to be saddled with this proposition, because it is only a 10 per cent Indian project, but therein lies the only reason why I am willing to be influenced to put this amount in here, that it eventually might be made a white man's project and thereby indirectly help the Indian.

Mr. HAYDEN. In the meantime we can keep the project alive for another year.

The CHAIRMAN. In the meantime we can keep it alive. I am going on record right here now to say that I would stand absolutely opposed to any amount which I thought would really start the project anew.

Mr. RHODES. What is the use of keeping it alive?

Mr. HAYDEN. There are available appropriations heretofore made of \$300,000 and an estimate in the book of estimates for \$1,350,000. If an appropriation is not made in this bill and can not be made in any other, the work stops which has already been started.

Mr. RHODES. Then would we be any better off at this time next year, unless some new reason is brought forth—it is just like throwing water into a rat hole.

Mr. HAYDEN. But Mr. Mondell, as I understand the situation, hopes within another year to straighten this matter out so that this item will not appear in the Indian bill, but will be regularly cared for somewhere else.

Mr. RHODES. If future legislation is going to arise in such a way as to practically and economically handle the proposition, what we might spend would not be lost, but unless something like that should be done, it seems to me we are just simply continuing the waste.

The CHAIRMAN. Now, this item is subject to the same restraining clause which we have in the other reimbursable items.

Mr. RHODES. Yes; it is bound to be.

The CHAIRMAN. Now, the Secretary of the Interior can absolutely protect the expenditure of any part of this \$50,000 by having to enter into an arrangement with the people who are going to eventually use this water, for them to pay for it.

Mr. MERITT. None of this land will be irrigated for a considerable time.

The CHAIRMAN. I know, but he can't use any of this money, either. I have explained to Mr. Mondell that under my understanding of the money provision, the Secretary could not authorize the expenditure of a dollar of that money until he made an arrangement with somebody up there who would fix the time when this money should be returned to the Government. So it seems to me we are not taking very great chances. If there are any real people up there who are willing to agree to reimburse, that the Secretary of the Interior would be willing to accept, why I don't see where they are going to get much use of that money. We are all on record on it, anyhow, so we will let it go in on that basis.

Mr. MERITT. Mr. Chairman, we, of course, will not object to a small appropriation of \$50,000 merely as an accommodation for this one year, but it should be recalled that this is the third appropriation that has gone on the Indian bill in connection with the project, and we hope that this is the last time that the Indian bill will be used as a vehicle in which to carry this project. We hope that by next year some method can be arranged so that this white man's project can be carried on some other bill.

The CHAIRMAN. Now, I will ask you a question—I agree with that, Mr. Meritt. The Indian Office has taken the position that it will not estimate for this project. Can you see any way, provided this suggested legislation becomes a law, that any part of that \$50,000 could be spent immediately, or before another appropriation bill comes around?

Mr. MERITT. The Reclamation Service will probably begin spending this money as soon as it is available.

The CHAIRMAN. But they can't do it until an arrangement has been made for the refund of it.

Mr. MERITT. Under the language of your amendment, Mr. Chairman, all that will be necessary for the Secretary of the Interior to do will be to issue regulations requiring the reimbursement; so it will be a paper transaction.

The CHAIRMAN. Then, I am going to change one word in that proposal, which may change it. I am going to change the word "until" to "unless," and I think that will have some effect on that part of the proposition.

The clerk will read the next item.

(The clerk read the next item, as follows:)

For the extension of canals and laterals on the ceded portion of the Wind River Reservation, Wyo., to provide for the irrigation of additional Indian lands,

and for the Indians' pro rata share of the cost of the operation and maintenance of canals and laterals on the ceded portion of that reservation, \$22,000, reimbursable under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. MERITT. We offer for the record the following justification for this item:

Irrigation project, ceded lands, Wind River Reservation, Wyo. (Reimbursable).

Fiscal year ending June 30, 1920, amount appropriated-----	\$200, 000. 00
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Fiscal year ended June 30, 1919:	
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Amount appropriated-----	100, 000. 00
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Amount expended-----	63, 854. 86
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Unexpended balance-----	36, 145. 14
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Analysis of expenditures:

Salaries, wages, etc-----	20, 984. 93
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Traveling expenses-----	1, 038. 71
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Transportation of supplies-----	209. 37
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Telegraph and telephone service-----	29. 65
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Stationery, printing, schoolroom supplies-----	10. 50
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Subsistence supplies-----	5, 470. 42
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Fuel, lubricants, power and light service-----	1, 358. 90
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Medical supplies, etc-----	162. 20
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Equipment and miscellaneous material-----	17, 033. 70
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Washington, Denver, and field expenses, United States Recla-	
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mation Service-----	3, 665. 25
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Rent of buildings-----	672. 87
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Miscellaneous-----	569. 56
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Outstanding liabilities-----	12, 648. 80
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Total -----	63, 854. 86
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DIVERSION DAM, CANALS, AND LATERALS, CEDED PORTION OF WIND RIVER RESERVATION, WYO. (REIMBURSABLE.)

Fiscal year ending June 30, 1920: Amount appropriated, \$50,000.

Fiscal year ended June 30, 1919: No appropriation for 1919.

EXTENSION, OPERATION, AND MAINTENANCE, IRRIGATION SYSTEM, CEDED PORTION, WIND RIVER RESERVATION (REIMBURSABLE).

In 1914 the Government, on behalf of certain Indians allotted on the ceded portion of the Wind River Reservation, and certain white water users jointly constructed a system for the irrigation of approximately 15,000 acres of land on the ceded portion of the Wind River Reservation. The Indians hold 7,906 acres of land under this system, a large part of which is already under cultivation. Of the amount herewith requested it is estimated that approximately \$13,000 will be necessary to cover the Indians' share of operation and maintenance charges. The remaining part of the estimate is necessary to extend the system to Indian lands within the project to which the canals have not yet been carried. This extension will include about 5 miles of canals and laterals and about 45 structures of various kinds. The Indians are making splendid use of the lands under this project and it is deemed advisable to bring the entire area under irrigation as rapidly as practicable.

The CHAIRMAN. Well, Mr. Rhodes, that comes under the same observation, so far as I am concerned. I have it marked out here on my bill in red ink.

Mr. RHODES. I don't see any reason why I should not be consistent.

Mr. HAYDEN. I notice part of this appropriation is for new construction and part for operation and maintenance. If this appropriation is not made, how will you pay for operation and maintenance?

Mr. REED. We will have no means of paying it.

The CHAIRMAN. How does it come it is in italics here? You made some change there.

Mr. HAYDEN. Last year Congress made an appropriation of \$50,000; this year it is reduced to \$22,000 and changed to include operation and maintenance.

Mr. REED. It is being finished up now.

Mr. MERITT. You will note, Mr. Chairman, that the appropriation last year was for our proportionate charge of the construction of the dam; this year the appropriation is for another purpose, for extension of laterals and canals. This is in order to utilize the water as a result of building the dam.

The CHAIRMAN. Well, is the dam built?

Mr. MERITT. It is in process of being constructed now.

The CHAIRMAN. How long before it will be finished?

Mr. MERITT. It will be ready for use in the spring.

The CHAIRMAN. This coming spring?

Mr. REED. Yes, sir.

The CHAIRMAN. And you desire to have this money to construct laterals? Are there no laterals to distribute water there now?

Mr. REED. There are some, but this is for maintenance and operation of the canal next year, and extension of laterals, which only amount to about 5 miles, and necessary structures to go with them.

The CHAIRMAN. I think we had better allow that.

Mr. RHODES. Is there actual demand on the part of settlers there for extended use of the water?

Mr. REED. There is a demand on the part of the Indians. This is practically all Indians that we are asking for. The white men are paying their pro rata share of the maintenance and operation of that canal. They own half of it, or a little over—no; we own a little over half.

Mr. RHODES. It is not a new project in that sense of the word?

Mr. REED. Oh, no.

The CHAIRMAN. I think we will allow that, Mr. Rhodes.

(The clerk read the next item, as follows:)

For continuing the work of constructing roads and bridges within the diminished Shoshone or Wind River Reservation, in Wyoming, \$25,000, said sum to be reimbursed from any funds which are now or may hereafter be placed in the Treasury to the credit of said Indians, to remain a charge and lien upon the lands and funds of said Indians until paid.

Mr. MERITT. We offer for the record the following justification for this item:

Roads and bridges, Shoshone Reservation, Wyo. (reimbursable).

Fiscal year ending June 30, 1920; amount appropriated.....	\$25,000.00
Fiscal year ended June 30, 1919:	
Amount appropriated	25,000.00
Amount expended	25,000.00

Analysis of expenditures:

Salaries, wages, etc.....	17,360.65
Transportation of supplies.....	317.28
Fuel, lubricants, power and light service.....	601.88
Equipment and miscellaneous material.....	1,038.40
Outstanding liabilities	5,681.79

Total	25,000.00
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ROADS AND BRIDGES, SHOSHONE RESERVATION, WYO., \$25,000.

This reservation comprises approximately 829,998 acres of land, inhabited by 1,696 Indians. This is an appropriation for continuing the work of constructing roads and bridges on the Shoshone or Wind River Reservation in Wyoming, commenced during the fiscal year 1913, under an appropriation of \$10,000 contained in the Indian act for that year (37 Stat. L., 539), at which time it was estimated that \$67,000 would be required to improve the roads on the reservation and place them in comparatively as good condition as those constructed outside the limits of the reservation by Fremont County, in which the reservation is located. Approximately \$5,000 was expended from this appropriation during that year, the balance being reappropriated and used during the fiscal year 1914. In addition to the reappropriation of this sum, there was also supplied \$1,000 to be used in investigating the condition of the roads and bridges on the reservation including the making of surveys, maps, plats, and other expenses in estimating the cost of the suitable and necessary roads and bridges. After the expenditure of the \$10,000 and the completion of the surveys, the estimated cost of the construction of the roads and bridges yet necessary was \$111,032.21. Complete reports, with copies of the data compiled were forwarded to the Speaker of the House of Representatives and to the President of the Senate on October 27, 1913. Additional appropriations have been made for this purpose as follows:

1915-----	\$25, 000	1919-----	\$25, 000
1916-----	25, 000	1920-----	25, 000
1917-----	25, 000		
1918-----	25, 000	Total-----	150, 000

While the total amount thus far appropriated (\$150,000) is considerably in excess of the original estimate (\$111,032.21), same has been insufficient to provide the reservation with adequate road facilities in conformity with the original plan, owing to the greatly increased cost of material and labor during the past few years, and the further fact that the roads were badly damaged by floods, which necessitated a great deal of expensive repair work. In order to maintain the roads already built and provide funds for the construction of new roads and bridges and thus properly equip the reservation with facilities of this nature, it is estimated that at least \$25,000 additional will be required.

This is the same amount as was appropriated last year, Mr. Chairman.

Mr. HAYDEN. How much has been reimbursed?

Mr. MERITT. I don't think any of it has been reimbursed.

The CHAIRMAN. There has been \$150,000 spent up to 1920, and how much more do you estimate you are going to need up there to finish up?

Mr. MERITT. That is more than was originally estimated, but the cost of everything has gone up. I think we could probably, inasmuch as we have spent \$150,000 up there, and the original cost was estimated to be \$111,032.21, we might make a small saving in this appropriation this year, and one other appropriation would be sufficient to complete the work.

Mr. HAYDEN. What funds are available for reimbursement?

Mr. MERITT. They have ceded lands that are being disposed of, and they also have timberlands. They have ample resources.

Mr. HAYDEN. Has no money been used to reimburse this fund since 1915?

Mr. MERITT. I think not. They have in the Treasury at this time \$6,000.

Mr. HAYDEN. I understood that the Shoshone Indians were getting considerable royalty from oil.

Mr. MERITT. That is from individual allotments. There is not very much oil being produced, and that is on individual allotments; therefore that will not be available for reimbursing this appropriation.

Mr. HAYDEN. I saw a statement that oil had been discovered on the unallotted lands of this tribe of Indians.

Mr. MERITT. It is thought that probably some of the ceded land contains oil.

Mr. HAYDEN. There has been no actual production of oil up to this time?

Mr. MERITT. None on the tribal lands.

The CHAIRMAN. How much can we reduce this—\$15,000?

Mr. MERITT. \$15,000 would keep the work going.

The CHAIRMAN. All right. Now I want to ask one other question. After this road is completed, who is going to maintain it and keep it up?

Mr. MERITT. The Indians should maintain it, because the roads are on the Indian reservation.

The CHAIRMAN. Has there been any arrangement made with the Indians that they must do that? Because we don't want to start now spending \$10,000 a year for upkeep of the road after putting in this amount of money to build it; and it does take a lot of money to keep roads in any kind of shape, and a lot of work.

Mr. MERITT. It would seem that after the roads are constructed, the superintendent with the help of the Indians ought to keep the roads in repair without calling on Congress for appropriations.

The CHAIRMAN. Strike out in line 20, after the word "Wyoming" \$25,000, and insert \$15,000. The clerk will read.

(The clerk read the next item as follows:)

SEC. 26. That in addition to the Indian tribal and treaty funds, the expenditure of which is specifically authorized elsewhere in this act, and such sums as may be required for equalization of allotments, education of Indian children, per capita and other payments to Indians, reimbursement to the United States of the expenditures from reimbursable appropriations, and expenditures for the Five Civilized Tribes, in accordance with existing laws, the Secretary of the Interior be, and he is hereby, authorized to expend not exceeding \$1,436,604 from funds held by the United States in trust for the respective tribes, for support and civilization of the Indians under the jurisdiction of the following agencies, to wit.

Mr. MERITT. We offer the following justification for this item:

EXPENDITURES FROM MISCELLANEOUS TRIBAL FUNDS, \$1,436,604.

This estimate is submitted in conformity with the requirements of section 27 of the Indian appropriation act, approved May 18, 1916 (39 Stat. L., 158):

"On the first Monday in December, 1917, and annually thereafter, the Secretary of the Treasury shall transmit to the Speaker of the House of Representatives estimates of the amounts of the receipts to and expenditures which the Secretary of the Interior recommends to be made for the benefit of the Indians from all tribal funds of Indians for the ensuing fiscal year; and such statement shall show (1) the total amounts estimated to be received from any and all sources whatsoever, which will be placed to the credit of each tribe of Indians, in trust or otherwise, at the close of the ensuing fiscal year; (2) an analysis showing the amounts which the Federal Government is directed and required by treaty stipulations and agreements to expend from each of said funds or from the Federal Treasury, giving reference to the existing treaty or agreement or statute; (3) the amounts which the Secretary of the Interior recommends to be spent from each of the tribal funds held in trust or otherwise, and the purpose for which said amounts are to be expended, and said statement shall show the amounts which he recommends to be disbursed (a) for per capita payments in money to the Indians, (b) for salaries or compensation of officers and employees, (c) for compensation of counsel and attorney fees, and (d) for support and civilization: *Provided*, That thereafter

no money shall be expended from Indian tribal funds without specific appropriation by Congress except as follows: Equalization of allotments, education of Indian children in accordance with existing law, per capita and other payments, all of which are hereby continued in full force and effect: *Provided further*, That this shall not change existing law with reference to the Five Civilized Tribes."

Prior to the effective date of this legislation (July 1, 1918) expenditures from Indian tribal funds were ordinarily made in the discretion of the Secretary of the Interior under the general authority conferred by the statutory enactments creating the funds. However, it will be noted that section 27 of the act of May 18, 1916, quoted above, provides "that hereafter no money shall be expended from Indian tribal funds without specific appropriation by Congress except as follows: Equalization of allotments, education of Indian children in accordance with existing law, per capita and other payments, all of which are hereby continued in full force and effect."

The effect of this legislation is to require specific appropriations by Congress for the expenditure of Indian tribal funds for purposes other than the equalization of allotments, education of Indian children, and per capita and other payments to Indians. Each tribe is estimated for separately, pursuant to the request of the committee submitted last year. In further justification for the expenditure of these tribal funds, it can be stated that the regular appropriations for the support and civilization of the Indians are in many cases insufficient adequately to meet the needs of the service along this line. Therefore, it is desired to supplement the regular gratuity appropriations by the use of tribal funds on the reservations mentioned.

Mr. HAYDEN. I notice that there is a considerable reduction in the appropriations in the Arizona items as compared to last year. For instance, at Fort Apache you asked for \$89,291; this year you ask for \$75,000; at San Carlos last year, \$145,000, and this year you ask for \$100,000; at Truxton Canyon last year you asked for \$55,000, and this year \$15,000.

Mr. MERITT. We have tried to reduce the estimates to the lowest figure possible. The total amount allowed last year was \$2,509,895, and this year we are asking for only \$1,436,604 out of tribal funds.

The CHAIRMAN. I would like to ask you whether or not that resolution we passed, with regard to specifying the amounts, did not carry with it a statistical report on each of the items in the form of a justification?

Mr. MERITT. We have offered the justification.

The CHAIRMAN. I have read that; but, for instance, how can we tell how this \$100,000 for the San Carlos has been spent? Have you something in your office which could be used if we wanted it?

Mr. MERITT. Yes, sir.

The CHAIRMAN. That shows what is being done under that work, and how the money is being expended, if anybody should ask for it?

Mr. CARTER. It should be justified as if it were a Treasury item.

The CHAIRMAN. Yes; I should say so. Of course, there are a whole lot of them, and the only justification we can make on the floor is that we have gone this far, and this shows that a great saving has been brought about by particularizing these items.

Mr. MERITT. We have submitted to Congress a statement showing the estimate of receipts and expenditures of Indian tribal funds. That is in the form of a House document, but it has not been returned from the Printing Office, and we intended to include that document as a part of our justification for this item.

The CHAIRMAN. That is House Document No. 389 we have here now.

Mr. MERITT. This is fiscal affairs of Indian tribes. This is another statement.

The CHAIRMAN. Do you think you will have that by the last of the week or the first of next week?

Mr. MERITT. We have already submitted it to Congress, and Congress has referred it to the Government Printing Office, and it is now being printed.

The CHAIRMAN. I should think it ought to go right in this justification in our report.

Mr. MERITT. Yes; it should. I intended to incorporate that as a part of the justification.

The CHAIRMAN. Well, that is all I want on this. I don't want to criticize any one of these items, or to analyze them further than to get that report in this time, because I think they have reduced that item enough so that we can make a fair showing on it.

Mr. MERITT. In addition to that, Mr. Chairman, in the investigation you will recall that we submitted to the committee, and there was included in the hearings, a statement showing the expenditures of tribal funds on all the reservations?

The CHAIRMAN. Yes, I recall that; but that really would not particularize each one of these items and for this particular expenditure, so that if I wanted to know what you spent of that \$100,000 and for what it had been spent, I couldn't tell, and next year you might come in and ask for \$150,000 for that project, and then we would have something to buy. So if that report shows that, then it is all right—if the report you speak of shows that.

Mr. HAYDEN. Will this report that you have mentioned give as detailed information, for instance, about the expenditure of \$100,000 on the San Carlos Indian Reservation as is to be found in your existing justifications for a similar expenditure at an Indian school?

Mr. MERITT. No, sir.

Mr. HAYDEN. What will it show in a general way? Will it show the amounts that have gone into salaries and the amounts that have been expended for permanent improvements, the construction of buildings, and so forth?

Mr. MERITT. No, sir; it has not gone into that detail.

Mr. HAYDEN. Is data available in the Indian Office from which to make such a detailed statement?

Mr. MERITT. It would require a great deal of work to get up that statement.

Mr. HAYDEN. It seems to me that since you have a whole year in which to prepare an accounting of your past expenditures it ought to be very easy to make an estimate of what you would do with a similar sum of money in the coming year. The committee can not intelligently pass upon such appropriations unless they have that information before them.

The CHAIRMAN. Well, we are getting a good deal better situation and a better knowledge than we had two or three years ago, but each year we ought to improve upon the past year in the matter of knowledge.

Mr. MERITT. If that is the wish of the committee, next year I will have the justifications prepared showing just exactly what we

used the appropriation for in the current Indian appropriation act.

The CHAIRMAN. That will be very acceptable.

Mr. MERITT. That will be the first time that we have ever prepared in detail a statement like that for our justifications.

Mr. HAYDEN. As to past expenditures, for example, next year you will show what was done with this \$100,000 appropriated for the San Carlos Reservation; will you also show what you intend to do with the sum of money asked for the succeeding year?

Mr. MERITT. That is largely a guess, Mr. Chairman. We can't tell in advance what we will use this money for, but we know we will need it for general expenses.

Mr. HAYDEN. Well, a guess is synonymous with an estimate, yet you do make such a successful guess with respect to Indian schools and present to the committee each year detailed information which is sufficient to satisfy us and we allow you the appropriations as requested.

Mr. MERITT. If you want us to submit such a justification, we can do so.

The CHAIRMAN. Some of these that have been presented do not quite satisfy yet, but Mr. Meritt has agreed to take care of that.

Mr. HAYDEN. Mr. Chairman, I can not see why there should be the slightest distinction in the method of considering an appropriation out of Indian funds and an appropriation out of the Treasury. We are just as responsible for every dollar of Indian money as we are for public funds.

The CHAIRMAN. That is the attitude that I have taken all through—in fact, we are more responsible.

Mr. HAYDEN. Therefore, it seems to me that the data submitted to Congress in justification for an appropriation of Indian tribal funds should be particularized to the same degree of minuteness as in the case of an appropriation asked for out of the Treasury.

The CHAIRMAN. Well, I feel exactly the same as do you, and if I were going to the limit I would go in my own business, I would insist upon that now, before I granted this appropriation, but I feel we have already dug up a sufficient number of things, and that we are asking for so many changes and so much of what we might call "drastic" legislation, that it isn't a good plan to try to do it all at once. I think we become involved here with all we can get away with at this time, and I want to say now that it is not by any means my thought that we have finished our investigation. I propose—and I think the rest of the committee does—that when we make a final investigation we shall know then something about whether or not we can do anything with this 5,900 employees who are in the field; whether there isn't some better method of operating some of the activities whereby we can decrease the expenses in that direction. But I don't want to take that up now, and could not possibly attempt to do it with all other things that we have in here.

Mr. HAYDEN. The Indian Office has rendered us excellent service. Mr. Meritt in particular has devoted not only hours and days but weeks and months of his time in the course of this investigation, and I heartily appreciate his efforts. What I am trying to find out now is just what he is going to do when the next annual estimate for the Indian appropriation bill is submitted to Congress?

Mr. MERITT. In the next bill a year from now I will have the justifications prepared for these Indian funds, the same as we have them prepared for the gratuity appropriations.

Mr. CARTER. Now, one other thing, Mr. Meritt, about the expenditure in the affairs of the Five Civilized Tribes. That is sort of an omnibus proposition, and I would like to have you bring in next year the amount which is paid to each one of those fellows and the amount of expense, the expense accounts. For instance, you have a chief—three of the tribes have chiefs; they have interpreters; they have mining trustees, and it wouldn't be a bad idea to have in the record what those people receive and what this money is being paid for. It would be good information for Congress to have, and I hope you will have that in next year.

Mr. MERITT. We will include that also in our justifications.

The CHAIRMAN. Now, as I understand it, there are just one or two items that you have to prepare—one with reference to the adjustment of the statistical reports on some of these school items, and the other one a suggestion which would cover the appropriation for the irrigation scheme at Yakima to cover that revolving fund. Now when can you give us that? We want to have that printed in the tentative bill, of course.

Mr. MERITT. I will have the Yakima item for you to-morrow. I will also prepare the Fort Hall item.

The CHAIRMAN. I don't think that we will wait—we won't wait for that, because that is one of the schools which will go out, if our scheme goes into effect.

Mr. MERITT. I was speaking about the Fort Hall irrigation item.

The CHAIRMAN. Well, I had in mind the school up there, where there are only 61 pupils—a nonreservation school.

Mr. MERITT. That is on the Shoshone.

The CHAIRMAN. Yes; where the cost was so high. So that is really not particularly important; but what is important is to give us the figures showing how these other statistical reports were made up, and make them come in unison, one figure with the other.

Mr. MERITT. I will get you some information on that.

The CHAIRMAN. But we won't hold up the printing of the bill on account of that, but we will to hold it up until we get that perfected section with regard to the Yakima Reservation.

Mr. MERITT. I will have that for you to-morrow.

Mr. RHODES. When will this bill be presented, Mr. Chairman?

The CHAIRMAN. We will print it at the latest to-morrow night. We hoped to print it to-night, but we have got to wait for that now, and we will print it to-morrow night and call a meeting of the full committee for Wednesday morning at 10 o'clock. We will try to prevail on everybody to be here and see if we can't finish the job up and get it ready to report later on.

Mr. MERITT. Mr. Chairman, I was requested to draft an item in connection with the competency commission, and I have submitted this draft to both Mr. Carter and Mr. Hastings, and it is satisfactory to them. It should appear under the general items.

The CHAIRMAN. Read it, please.

Mr. MERITT. It reads as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to expend not less than \$25,000 out of applicable funds in the work of determining the competency of Indians by competency commissions on Indian reservations outside of the Five Civilized Tribes in Oklahoma.

The CHAIRMAN. That is agreeable to me.

Mr. CARTER. Mr. Hastings spoke to me about that, and you had better let him see that first. He said he had been thinking that over and there was some change that he wanted to make. So far as I am concerned it is all right.

The CHAIRMAN. We can change it later.

Mr. CARTER. Well, he can see it before it goes out.

Mr. MERITT. If this item goes into the bill, Mr. Chairman, it should go in as a separate item.

Mr. CARTER. At the end of the general items.

Mr. MERITT. Following the general expense item on page 15.

The CHAIRMAN. It carries no appropriation.

Mr. MERITT. It carries no appropriation, and if that is done, Mr. Chairman, there should be stricken out of the general expense item the proviso for \$10,000 for competency work in the Five Civilized Tribes. On page 15 strike out the last proviso on line 18 down to and including line 21, reading as follows:

Provided further, That \$15,000 of this appropriation shall be used for continuing the work of the competency commission to the Five Civilized Tribes in Oklahoma.

Strike that out and insert this as a new item at the bottom of the page.

The CHAIRMAN. Now I want to ask Mr. Meritt just one or two general questions, to get something in the record that I don't think is in, and I don't think it is in the hearings. I am frequently asked how much money is on deposit in the Treasury belonging to all the Indians.

Mr. MERITT. About \$40,000,000 to the credit of all Indians. We have a financial statement of that.

Mr. CARTER. That varies along, doesn't it, Mr. Meritt, from month to month?

Mr. MERITT. Yes.

The CHAIRMAN. But I just wanted to get that general item in. There are a great many people ask me about it.

Mr. MERITT. It varies anywhere from \$37,000,000 to \$42,000,000.

The CHAIRMAN. But there is approximately that amount on hand all the time?

Mr. MERITT. Yes, sir.

Mr. HAYDEN. Does this Document No. 389 contain that data?

The CHAIRMAN. It contains a list of the tribal funds of all the different tribes, I think.

Mr. HAYDEN. It shows the balances to the credit of every tribe June 30, 1919, and a grand total of \$31,830,353.

Mr. MERITT. Now we have paid out several million dollars out of the funds of the Five Civilized Tribes, which has reduced that amount recently.

Mr. CARTER. Has reduced the balance?

Mr. MERITT. Reduced the balance; yes. The balance varies. On page 202 of the report of the Commissioner of Indian Affairs you

will find the balances for the years beginning with 1911, running up to 1919. In 1911 we had \$41,843,830; in 1919 we had \$37,172,968. The amount varies, but it is anywhere from thirty some odd million to forty million dollars.

The CHAIRMAN. Well, I think that is all.

Mr. MERITT. Now, you asked me to draft an item in connection with the attendance of the Indian children, and I have that here. It reads as follows:

Provided further, That hereafter the Secretary of the Interior may place Indian children in any Government Indian school which he may designate, without regard to the State in which such children or the school may be located. All laws in conflict herewith are hereby repealed.

The next one reads:

And provided further, That hereafter the Secretary of the Interior is authorized to make and enforce such rules and regulations as may be necessary to secure the enrollment and regular attendance of eligible Indian children who are wards of the Government in schools maintained for their benefit by the United States or in public schools. All laws in conflict herewith are hereby repealed.

The CHAIRMAN. Is there any objection to those as drawn?

Mr. HAYDEN. It is not necessary to say in each case that all laws in conflict herewith are hereby repealed, because there is a general statute which provides that subsequent legislation automatically repeals anything that is in conflict therewith.

Mr. RHODES. I think that is a very proper expression to put in an act, because you only get that effect, Mr. Hayden, by using that as the rule of interpretation.

Mr. HAYDEN. No, sir; there is a provision in the Revised Statutes which states positively that the subsequent act, if it conflicts with the prior act, the subsequent legislation binds. For that reason a repealing clause is rarely used in Congress, although it usually appears in the acts of State legislatures.

Mr. CARTER. That is always stricken out when it gets into the bill on the floor of the House, Mr. Rhodes.

The CHAIRMAN. Let us leave it out. Certainly both of them are very proper pieces of legislation.

Mr. MERITT. I think that should go in in connection with the school item on page 10.

The CHAIRMAN. Is there anything further, Mr. Meritt?

Mr. MERITT. Mr. Chairman, you will recall that it was decided to eliminate from the bill the appropriation for the Kickapoo School in Kansas, and we did not estimate for it this year, but it was brought out in the hearings that there should be constructed two day schools.

The CHAIRMAN. That is correct.

Mr. MERITT. And we have an item here for purchase of site and construction of two day-school plants on the Kickapoo Reservation, Kans., \$10,000.

The CHAIRMAN. That will be agreeable.

Mr. HAYDEN. It seems to me, Mr. Chairman, that there should be in the record a justification for the omission of that Kickapoo School. Questions will be asked about it and we should have in the record the reasons which induced the Indian Office not to make the estimate.

The CHAIRMAN. We have it in the hearings. There is certainly full justification in the hearings that we held along in October.

Mr. CARTER. We ought to have it in the justifications in the record here. We will have a lot of trouble with that.

Mr. MERITT. I offer in justification for the \$10,000 item the following:

There are only two public schools on the Kickapoo Reservation, Kans., which has an area of 30 square miles. Practically all the children of this reservation try to get in these public schools but on account of the crowded conditions many can not do so, and many Indian children are left without school facilities, unless received in the Government boarding school.

The county school authorities are willing to employ teachers and maintain two more public schools if the Government will provide the school buildings; this will cost about \$10,000. This sum also includes the purchase of necessary sites. By the abolishment of the boarding school and the establishment of two day schools, a saving of about \$10,000 will be made in the next fiscal year.

Mr. CARTER. Mr. Meritt, can you tell me how much money was used for the Five Civilized Tribes last year for administrative purposes, including the chiefs, the salaries of tribal officials, schools, sale of property and everything?

Mr. MERITT. Of course, the regular appropriation was \$205,000.

Mr. CARTER. No; I mean from tribal funds.

Mr. MERITT. I would have to get that from the records of the department.

Mr. CARTER. No; you are speaking of gratuity appropriations now, but I am speaking of tribal funds.

Mr. MERITT. I can get from the records of the department those figures and place them in the record at this point.

Mr. CARTER. I wish you would do that.

(The matter referred to follows:)

Statement of expenditures for administrative purposes from tribal funds belonging to the Five Civilized Tribes.

Salaries, wages, etc.....	\$127, 015. 81
Traveling expenses.....	4, 837. 15
Transportation of supplies.....	18. 26
Telegraph and telephone service.....	264. 25
Printing, binding, advertising, etc.....	15, 552. 14
Forage.....	857. 49
Equipment and miscellaneous material.....	4, 047. 78
Rent of buildings.....	315. 00
Miscellaneous.....	11, 659. 19
Miscellaneous expense, tribal attorneys.....	3, 143. 59
Total.....	167, 710. 66

The CHAIRMAN. Is there anything further, gentlemen?

Mr. MERITT. Mr. Chairman, we had a fire a few days ago at the Fort Mojave School in Arizona. The Government carries its own insurance on these school buildings outside of the Five Civilized Tribes, and whenever there is a fire and buildings are destroyed, we necessarily have to come to Congress and ask for appropriations for new buildings, and we would like to have inserted in line 17, page 23, after the words "five thousand dollars," a provision for a school house to replace the building destroyed by fire, \$25,000; for electric-light plant, \$5,000.

We offer for the record the following justification for this item:

On October 8, fire of unknown origin destroyed the school building at Fort Mojave. A new schoolhouse is required to replace it.

There is an old acetylene gas system for lighting at Fort Mojave, but this has been practically out of commission for some time, and entirely out of use since last spring. It is reported to be beyond repair, and kerosene lamps are used. These are very dangerous in a school with many small children.

The CHAIRMAN. I think that is justified under the circumstances. If they actually had a fire which burned up the school, they must have a new one at that point.

Now, Mr. Meritt, will you state again how—there are repairs and improvements here—what do you do with that? Do you want to strike out the \$5,000 and put in \$25,000?

Mr. MERITT. No, sir; we will still need that for repairs and improvements to keep up the other buildings. We would like to have that inserted after the amount allowed for repairs and improvements, which was reduced to \$3,800.

The CHAIRMAN. That stays in, the two items, the \$25,000 for a school building and \$5,000 for electric light plant.

Mr. MERITT. In addition to the other item, making a total of \$70,050.

The CHAIRMAN. Mr. Meritt, one of the things that I have neglected to take up with you was with regard to the number of employees in the Indian Service. What classes of them are under the civil service?

Mr. MERITT. We have about 6,000 employees in the Indian Service. The school-teachers, matrons, clerks, superintendents, and irrigation people, as a general rule, are under civil service. There are some exceptions to that rule. For example, the financial clerks at the agencies are not considered under civil service; the stockmen are not under civil service; the forest guards are not considered under civil service; the employees in the Five Civilized Tribes paid out of tribal funds, as a rule, are not under civil service; the probate attorneys in the Five Civilized Tribes are not under civil service, neither are the national attorneys. The office of the Commissioner of Indian Affairs is not under civil service, and the office of Assistant Commissioner of Indian Affairs is not under civil service, although I have a civil-service status because of my previous employment, but the office itself is not under civil service.

The CHAIRMAN. What do you mean by the "office"? Do you mean all the employees in the office?

Mr. MERITT. No, the office of assistant commissioner and the private secretary to the commissioner is not under civil service.

Mr. HAYDEN. Then there are but three persons in the Indian Office in the city of Washington who are not under civil service?

Mr. MERITT. Yes, sir.

Mr. HAYDEN. The commissioner, the assistant commissioner, and the private secretary to the commissioner?

Mr. MERITT. Yes, sir. But there are a large number of field employees who are not under the civil service. I have indicated the character of those employees.

Mr. RHODES. What do you mean by "civil-service status"?

Mr. MERITT. The person who is protected by the civil-service law in his position, a person who is required to take a civil-service examination before his appointment to the position to be filled.

Mr. RHODES. Now, in the occupancy of your present position, you have not said it was not under civil service—you are not dependent

upon any civil-service examination that you may have taken in the past, or you are not dependent upon any civil-service examination that might be required of you in the future?

Mr. MERITT. It does not require a civil-service examination to be appointed to a noncivil-service place.

Mr. RHODES. I am just trying to arrive at a practical understanding of what is meant by a person holding a position not under civil service, but having a civil-service status,

Mr. CARTER. He took the examination, Mr. Rhodes, when he was in a position which was subordinate to that which he now holds, and for a position which was subordinate and which position was under civil service. That is what gave him a civil-service status.

Mr. RHODES. But that in no way relates to the holding of a position that is not under civil-service rules?

Mr. MERITT. No, sir.

Mr. RHODES. As a practical proposition.

The CHAIRMAN. I think Mr. Meritt has in mind a desire to raise the question now that the employees in the Indian Service who are not under civil service would be, in time at least, better employees if they were under the civil service.

Mr. MERITT. I do not care to raise the question at all, Mr. Chairman, except to furnish the committee with the information asked for.

The CHAIRMAN. Well, I understand that, but isn't it the rule that employees of the service or any service under the Government desire to be under the civil service?

Mr. MERITT. Certainly, they prefer to be protected by the civil service.

The CHAIRMAN. And of course the policy of the civil service and the theory of it is that thereby the Government gets better service if employees are protected under the civil-service laws. In the first instance they must undergo an examination which must show they are suitable for the position they desire to take; and the second, that is that after they have become proficient in that position, they would be more valuable as they went along,

Mr. MERITT. That is the basis on which civil service is administered.

The CHAIRMAN. And they are also protected from being deposed for political reasons—or political affiliations.

Mr. HAYDEN. Would it not be possible under existing law for the President to issue an Executive order placing all of the field employees of the Indian Service under the civil service?

Mr. MERITT. I am not familiar enough to give definite information with regard to that.

Mr. HAYDEN. It is my understanding that Executive orders have been issued extending the civil service over positions not theretofore in the classified service, and that the President now has ample authority to do so.

Mr. CARTER. Mr. Meritt, is that not the way practically that all the employees among the Five Civilized Tribes came into the civil service? Did they not come in by Executive order rather than by examination?

Mr. MERITT. I think a large number of them did.

Mr. CARTER. Your field clerks are all under civil service, are they not?

Mr. MERITT. The field clerks in the office at Muskogee are under civil service; also the field clerks in the field are under civil service.

Mr. CARTER. But I understood you to say that employees paid out of tribal funds are not?

Mr. MERITT. It is my impression that the employees paid out of tribal funds are not under civil service unless they have been transferred to those positions from other civil-service places.

Mr. CARTER. I am inclined to think you are mistaken about that, Mr. Meritt. I think the teachers at the schools are, most of them at least, under civil service.

The CHAIRMAN. Well, since the suggestion has been brought up in the whole committee, we will discuss the question and see what is best to do with regard to the matter.

If there is nothing further, we will consider the hearings closed and will adjourn. We will call a regular meeting and everybody will be advised of the time.

(Whereupon the committee adjourned.)

COMMITTEE ON INDIAN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Friday, December 19, 1919.

The committee met at 2 o'clock p. m., Hon. Homer P. Snyder (chairman) presiding.

The CHAIRMAN. Under a resolution we have been instructed to have this hearing, and I expect that the committee thought that the chairman and those members who wanted to sit in could come and attend the meeting. We called a meeting of the whole committee at 10 o'clock this morning and adjourned it over to 2 o'clock this afternoon. If the witnesses are ready to go ahead, I will be glad to commence the hearing.

Senator MYERS. I think you might as well make your talk, Mr. Harbert.

Mr. HARBERT. I am disappointed that there are not more members here to hear my statement.

The CHAIRMAN. It is largely for the record.

Senator WALSH. It is evidently for the record, anyway.

The CHAIRMAN. I have suggested a proposition that we would be willing to consider along this line, and I have told Mr. Evans about it this morning. It is a proposition that we have included in the bill under two other projects. I would like to hear first what Mr. Harbert has to say and then suggest that proposition as possibly a way out of our difficulty here.

Mr. EVANS. Mr. Chairman, might I suggest that you submit what you had in mind on the other reservations to Senators Walsh and Myers, and let them digest it while this matter is going on?

The CHAIRMAN. This is language we have put in under two other projects:

In all, for irrigation on Indian reservations, \$224,185, reimbursable as provided in the act of August 1, 1914 (38 Stat. L., p. 582): *Provided*, That that part of the provision of said act requiring reimbursement of all moneys theretofore expended for Indian irrigation work is hereby repealed: *Provided further*, That the repeal hereby authorized shall not affect any funds authorized to be reimbursed by any special act of Congress wherein a particular or

special fund is mentioned from which reimbursement shall be made: *And provided further*, That the said secretary shall submit a report to Congress on the first Monday in December, 1921, showing the irrigation projects or units thereof where repayment of the construction charge has been required: *Provided further*, That no part of this appropriation shall be expended on any irrigation system or reclamation project for which public funds are or may be otherwise available: *Provided further*, That the foregoing amounts appropriated for such purposes shall be available interchangeably in the discretion of the Secretary of the Interior for the necessary expenditures for damages by floods and other unforeseen exigencies: *Provided, however*, That the amount so interchanged shall not exceed in the aggregate 10 per cent of all the amounts so appropriated. The Secretary of the Interior is hereby authorized and directed to require the owners of irrigable land under any irrigation system heretofore or hereafter constructed for the benefit of Indians and to which water for irrigation purposes can be delivered to begin partial reimbursement of the construction charges, where reimbursement is required by law, at such times and in such amounts as he may deem best; all payments hereunder to be credited on a per-acre basis in favor of the land in behalf of which such payments shall have been made and to be deducted from the total per-acre charge assessable against said land: *Provided*, That no reimbursable moneys appropriated in this act for irrigation works shall be used for any purpose other than operation and maintenance unless the Secretary of the Interior has prescribed rules and regulations for the payment of the per-acre charge by all the users of water under the project, to apply on the reimbursement of the total amount expended.

Senator MYERS. Yes.

The CHAIRMAN. You may proceed, Mr. Harbert.

STATEMENT OF MR. JAMES HARBERT, POLSON, MONT., PRESIDENT OF THE FLATHEAD IRRIGATION ASSOCIATION OF MONTANA.

Mr. HARBERT. Mr. Chairman and members of the committee, at the outset I desire to thank most heartily the members of this committee for giving the unit holders residing on the Flathead Irrigation project an opportunity to be heard, before final action is taken, in reference to their appropriation for the coming fiscal year. I think that this is the first time since the inception of this reclamation scheme that the unit holders have been officially represented here in Washington, outside of our congressional delegation. I am here for that purpose to-day, having traveled across the continent on a very few hours' notice, to intercede for the men and women who occupy lands within this project. We thought it was the foregone conclusion that we would receive not less than \$1,000,000 for construction work during the coming year. In view of the fact that the Reclamation Department, Secretary Lane, and the Indian Bureau had made a request for \$1,000,000, and this amount had been incorporated in the Indian budget, we felt reasonably secure in the belief that we would receive the amount estimated. The announcement from Washington that this committee was seriously contemplating reducing the appropriation to \$100,000 came to us almost like a thunderbolt from a cloudless sky; our hopes were suddenly blasted, and just at a time when the dawn of day seemed near at hand. So, gentlemen, I have come to you bringing an S. O. S. message from the people in our part of Montana, and I shall do my utmost to make you see the wisdom, the expediency, and the necessity for granting an appropriation that will in some degree conform to our needs and requirements.

The bill providing for the formal opening of the reservation was passed, as I remember it, in March, 1909, and carried an appropriation of \$250,000 to irrigate the allotted lands of the Indians and the unallotted areas to be disposed of under acts of Congress. As early as April, 1908, Congress passed an act carrying an appropriation of \$50,000 for preliminary surveys and estimates of irrigation systems in connection with the opening of this reservation. I have carefully examined all the acts passed by Congress in reference to this project and I have never seen anything that would indicate that it was the intention of the Government to favor the Indian as against the white man, after the first selections of land were made. It was to be a dual irrigation proposition—for the benefit of the Indians and for the benefit of the whites. They were to share alike in its benefits. The first construction work started in 1910 and now, after practically 10 years, about \$4,500,000 has been expended and the work is approximately two-thirds finished. Just when this enterprise will be completed is largely a matter of conjecture. You gentlemen alone can determine that question.

This project has been properly authorized by law, and it seems to us that the only businesslike thing to do is to give adequate appropriation that will insure its speedy completion, thus making the water available at the earliest possible moment, and incidentally greatly reducing the cost per acre of the entire project. I am sure it is not necessary for me to take up any time explaining the economic advantages of vigorously and continuously prosecuting the work until finished.

It was the understanding from the very first that this was to be an irrigation project. Men and women alike entered upon these lands in good faith, at the invitation of the Government, with the express and written understanding that their lands would be irrigated. It is true that no specified time is named for the completion of this project, but it is only reasonable to assume that it was the intention of the Government to complete it within a reasonable length of time.

During the early stages of construction there seemed to be some justification for opposing these appropriations. I am one of those who believe that the manner of financing the project during the early stages really was not equitable or just. I remember four years ago that I appeared before the chamber of commerce in Portland, and, talking to Harry Lane, who is dead and gone, he said:

Mr. Harbert, I am not against irrigation. I know that Senators Myers and Walsh feel peeved against me because I opposed their appropriations, but so long as you continue to finance the project as you have I will continue to oppose your appropriations.

Prior to the act of May, 1916, the project was being constructed out of reimbursable funds advanced by the Government, but the tribal funds of the Indians were held primarily responsible for the money advanced by Congress. Of this amount about \$1,000,000 has been reimbursed to the Indians, and funds are now advanced by the United States Congress.

The Indian Bureau did not think it was fair to take the money of the Indians to irrigate lands that were partly for the benefit of the Indians and partly for the benefit of the whites, and we conceded the injustice of this method of financing this project, and there can not be any further opposition on this score. I know there has

been some opposition to this project, and almost every year a delegation comes down to Washington pretty well organized.

The CHAIRMAN. I would like to say to the gentleman right there, to disabuse his mind, that, so far as this committee is concerned, no man or delegation has ever appeared here in opposition to this project.

Mr. HARBERT. I thought that they came each year. I have a book here of hearings held in 1918.

The CHAIRMAN. I have been on the committee, and this is my fifth year and do not recall the delegation.

Mr. EVANS. Those gentlemen appeared before the Senate Committee on Indian Affairs. On January 29, 1918, a large committee of Indians appeared before the Senate committee.

The CHAIRMAN. I made that statement so that you would know our action here is not influenced by any propaganda.

Mr. HARBERT. I am glad to know that, Mr. Chairman, but I would like to call your attention very briefly to some very erroneous statements that were made by that committee in 1918 when they appeared before the Senate committee. Senator Walsh was there at the time. I saw his name in the transcript. The statement was made that all of the Indians were opposed to this irrigation project and the great majority of the white men. The statement was made that in 1917, during one of these three dry years, an average of 40 bushels of wheat were raised around Polson and 38 and 39 bushels around Ronan.

Mr. EVANS. On dry land.

Mr. HARBERT. On dry land. They also made the statement that the land in the Moise division—that is, around Dixon, Camas, and in what we call the Valley View district, that these lands were not worth irrigating; that they were absolutely worthless with or without water. They said that after irrigating they became as hard as the floor of the Capitol Building, and it was a waste of time and money to irrigate lands of this character. Now, so far as dry farming methods are concerned, gentlemen, I am willing to concede that these lands have little or no value. However, it was my pleasure this summer to take a trip with the farm bureau of Flathead County and we visited the Camas, the Moise, and Valley View sections, and I want to tell you gentlemen that on these lands that were reputed to have absolutely no value at all that on the average they have raised this year five tons of alfalfa to the acre; that is the average yield on these lands where they have been able to put on water, and Mr. Crowe's report will verify these facts. The lands are somewhat similar to the Yakima lands, having a sort of volcanic ash; it is a sagebrush country, and without water; it is simply impossible to farm. These lands will not yield a living to settlers practicing dry-farming methods, and I am safe in saying that in Camas at least two-thirds of the settlers have gone, they have abandoned their homes; it is simply because their lands would not yield a living under dry-farming methods, and we have demonstrated this year that these lands were valuable if we could put water on them. A good many years ago Marcus Daly was reputed to have made the statement that lands in the Bitter Root Valley were worth nothing, but that water was worth \$300 an acre, and I think that

this is true in reference to a good many of the lands in our part of the country.

The divisions containing the largest proportions of Indian allotments were selected for the first development, the white man was put into the background and their lands were only irrigated incidental to reaching the Indian lands. We are not finding any fault with that, gentlemen, but I would like to call your attention to the fact that the Indians made the first selections, naturally taking lands around the rim of the reservation, lands near the edge of the foothills, and if there were any lands that could grow crops without irrigation it was the lands selected by the Indians. You will not find that the Indians have many lands in the Camas, the Moise, or the Valley View divisions. Most of all these lands are held by unit holders. In the foothills the rainfall is about 50 per cent greater than it is on the irrigable area of the project, and in addition there is subirrigation. I will say that in the foothills, generally speaking, crop failures are unknown and fairly good crops are raised each year.

Senator WALSH. That is along the main range and above the main canal.

Mr. HERBERT. Yes, sir; right below and above the ditch. I think that in 1919 we made a pretty good showing. I have the figures which will show that out of 91,000 acres 32,000 acres were put under water. There were 1,200 water users, and I can say if there had been more water there would have been more water users. The water was not available for those who wanted to irrigate last year.

I just want to call your attention to pages 333 and 334 in the statement of Morris Bien made before the Senate Committee on Indian Affairs in a hearing held February 9, 1918. I think under the circumstances we have done pretty well there, and I want to briefly read you from page 334 of that committee hearing, which includes a letter from Mr. Bien to Senator Ashurst, then chairman of the committee, under date of February 11, 1918, in which Mr. Bien says:

The larger appropriations of the past two years have made it possible to extend the canals more rapidly than before and add substantially to the acreage under ditch. Even after water is ready it normally takes the settler some years to get the bulk of his unit under irrigation. This is the case on our most successful projects. For example, on the Orlando project, California, the irrigated acreage has increased gradually, and three years after completion of the project, and in the eighth year of operation the irrigated acreage last year reached but 65 per cent of the irrigable. Yet we count that project a complete success. Its cost is being returned exactly according to the Government's schedule by funds collected by the settlers themselves and paid to the Government each year by a single check. In the Flathead country some crops are possible by dry farming, and the change to irrigated crops may be gradual with each settler, who may carry along both kinds of farming in part. It is significant that the area irrigated last year (16,000 acres) was distributed among 567 farms, which comprised over 50 per cent of the 80,000 acres under ditch.

The question is often asked, Why is it that more land susceptible of irrigation is not put under water the first year or two the water is made available? In the first place, the ditch must be definitely located, and when definitely located the unit holder selects a few acres of land lying contiguous to the ditch for first development. It takes money to level the lands, remove the hills and hummocks, and provide the necessary drainage. It means, on an average, \$35 to \$60

an acre to put the land in shape for irrigation. I know of several instances in Valley View where they had 5 acres under irrigation. They said that the 5 acres produced more than the remaining 45 or more acres of their unit. They simply did not get anything on the dry lands, and, as I have said before, they got an average of 5 tons of alfalfa per acre on the lands that were irrigated.

Another thing, gentlemen, I want to call your attention to is the fact that we have never asked for any gratuitous appropriations. All the appropriations made from the earliest time up to date are all reimbursable. We are not asking for any gratuitous appropriations, as are the proponents of river and harbor measures.

Our people are willing and anxious to pay for the water, and the water can not be made available any too early. I do not think it would be possible for me to portray to you the hardships, gentlemen, that our people have undergone in their struggles to maintain their homes. Congressman Evans was over the Flathead Reservation last year, and I think that he will substantiate every statement that I make in that connection. They are, gentlemen, in the most deplorable condition. They have had three years of absolute crop failures. A great many of them are mortgaged to the limit, and there does not seem to be very much in store for them. They have to pay a high rate of interest for their money. These unit holders have no patents to their land. The Government has a first mortgage. They do not even know what that mortgage is. The Federal Government will not lend them any money. The State will not lend them any money. They must borrow this money from private parties, paying them 12 per cent for the money. It is a common practice there to make application for a loan of \$1,000, and they will be given \$850, and then take a mortgage for 5 years at 8 or 10 per cent, or else give them a first mortgage for 8 per cent, and then take a second mortgage for 4 per cent, making 12 per cent interest that they pay on the loan. I am glad that the State of Montana passed a law recently that provides 10 per cent as a maximum rate of interest.

When I left Ronan a few days ago the price of timothy hay was \$42 a ton. The price of alfalfa hay was \$35 a ton and they have to ship it in. There absolutely is no feed on the reservation to-day. These people have their stock, no money to pay for feed, and they are certainly in the most deplorable condition.

The CHAIRMAN. Will you let me read here what comes to us this morning in the form of a telegram from a gentleman by the name of Stanley Searce? I will not read it all. This is a telegram sent to the Secretary of the Interior, which was transmitted to the chairman of this committee this morning. Mr. Searce says:

Thoroughly appreciate your position before these committees—
speaking of the Secretary of the Interior—

but I infer from Evans's message that the merits of this case are receiving scant consideration in the policy of reducing appropriations.

I just want to say here that if that project has received scant consideration at the hands of this committee, then no project can have been thoroughly dissected. Also this letter concludes by saying that unless they can get \$1,000,000 they don't want a cent.

I want to ask you if you agree with that statement?

Mr. HARBERT. Mr. Scearce was not authorized to make any such statement as that. I would be very foolish to come before this committee and make a statement of that kind. We would like to get \$1,000,000 if we can get it, and I think, Mr. Chairman, that this committee recognizes the necessity for giving us a large appropriation. An appropriation of \$100,000 would not go very far, and I want to read you from the record of hearings a statement by Morris Bien, page 329.

Senator WALSH. Permit me to remark—you probably had not opportunity to examine the testimony heretofore given to the committee, but which appears in evidence here, that the \$100,000 will not enable any substantial amount of construction to be made at all, and it is not intended that it shall. It is simply intended for maintenance and operation.

Mr. HARBERT. That is the reason I want to read this.

The CHAIRMAN. And for holding that part of the plant which now exists from undergoing depreciation.

Senator WALSH. Certainly; upkeep.

Mr. HARBERT. It is just a few lines. With your permission, I will read it:

Mr. BIEN. It requires a very large expense to reorganize a force. If the work stopped, the construction force would be disbanded; some of the men would leave the service entirely and never could be gotten again; the equipment, much of it, would deteriorate and become useless, because it would hardly pay moving to another place. The canals themselves, if supplying a half service, would deteriorate very rapidly by silting and because when water is not in the canal the winds begin to blow dirt into it, and it would cost a very large amount in proportion to the results to keep the canal open when you are only irrigating one-half or one-third of the land to be covered.

Again, on page 333:

Mr. BIEN. I have in my mind that the project manager last summer, when the Indian Service called for an estimate, showed that he could use to advantage \$1,500,000.

This was two years ago. I understand he asked this year for \$2,220,000. [Continues reading:]

If he had that money he could work up a force and could plan for a considerable extension and a very large increase in the irrigable acreage; but, after considering the demands of the other Indian projects, the Indian Office decided that the appropriation or the estimate be made \$750,000.

Senator MYERS. I heard you say something a while ago about using \$250,000 for the coming year. Do you believe you could keep up the plant to its present state of efficiency and in its present condition, keeping your forces and your organization intact and in hand and to continue to prosecute the work this year, and try to get water on some of the land with less than \$250,000?

Mr. BIEN. No; I think you suggested that we might keep up the organization. We could not do that. We would have to cut down the organization. We would lose some of our best men; \$250,000 would keep the project as it is now without any material extension.

Senator MYERS. Keep it going without any extension work whatever? You mean that it takes \$250,000 to keep it in its present state?

Mr. BIEN. To keep it from running down and to furnish water to the people there, with minor improvements and necessary extensions here and there.

Now, if it would cost \$250,000 to maintain the project without any material extensions two years ago, I think the chances are that it would require more than that now, for the reason that the project is further along.

The CHAIRMAN. I would like to ask you a question right there. You know Mr. Davis, the director of the Reclamation Service.

Mr. HARBERT. Yes, sir; I do.

The CHAIRMAN. You have confidence in his ability as a constructor?

Mr. HARBERT. Yes, sir; I have.

The CHAIRMAN. Would you consider a statement made by him with regard to what amount was needed to maintain and operate the plant and to keep it from undue depreciation, as of any value?

Mr. HARBERT. Yes, sir; I certainly would. We think a great deal of Mr. Davis in our part of the country, and also of the project engineer, Mr. Crowe. We have unbounded confidence in both of them, Mr. Chairman.

The CHAIRMAN. Go ahead.

Mr. HARBERT. I do not pretend to know. I am just reading what Mr. Bien has said. I am not an engineer; I do not know anything about it. I was just simply showing for the benefit of the committee this statement of Mr. Bien made at that time.

Mr. TILLMAN. You are not prepared to assert that an expenditure of \$100,000 would be totally inadequate to maintain the work in its present condition without allowing it to deteriorate.

Mr. HARBERT. I think it would be in view of what Mr. Bien said.

Mr. TILLMAN. Because it will not be sufficient?

Mr. HARBERT. I would like to have a little more information, but I came here with very little notice. I was in Missoula and did not even have a change of socks when I left. I came on very short notice. I had to get up early this morning and buy a clean shirt and socks, and sent a boy out for them.

Mr. TILLMAN. You would prefer to have this \$100,000 than to have nothing.

Mr. HARBERT. I would not make a statement like that which has been referred to. Of course, if we can not get \$1,000,000, we will take \$500,000, and if we can not get \$500,000, we would like you to give us \$375,000, the same as you gave us last year. We are in pretty bad shape, Mr. Chairman, especially on the Camas Division. The structures are about completed on about 10,000 acres, but storage is inadequate to irrigate all the land under ditch. In fact, only a small proportion of these lands can be irrigated until such time as storage can be provided. It will require about \$300,000 to complete the Hubbard Reservoir of the Little Bitter Root. They are in the position there of having structures and ditches, but have not storage and water to put on the land. It seems if they do not get some money this year for construction work they will not be able to irrigate but a small portion of the lands in the Camas country. The same things exists on the main project. While most of the structures are in there they are lacking in storage. They need money to complete the McDonald Lake Reservoir and some of the other reservoirs. So, gentlemen, really, we are in pretty bad shape.

Senator MYERS. You said something to me this morning about the beet-sugar factory having moved away because they could not have water to increase the acreage of beets.

Mr. HARBERT. The sugar-beet company, after spending one and a half million dollars in Missoula have started to wreck their plant

and dismantle it. They say they are going to move it to some point in Nebraska.

The sugar-beet company will not accept any acreage in our country unless it is under water. They furnish the seed at 10 cents a pound. They furnish the labor and they otherwise facilitate the financing of people who are growing these beets, but before they put these beets in they go around and examine the land, and if the land is not fairly good land and if they can not put the water on it they will not accept the acreage. They say they will not accept any acreage that can not be irrigated. Last year Mr. Barr, the agricultural expert of the Great Western Sugar Beet Co., told me the company lost \$15,000 at Polson because they could not get water at the time most needed.

The CHAIRMAN. Is that land for which they could not get water for growing beets cultivated by Indians or by lessees or by white men?

Mr. HARBERT. The sugar-beet company leased about 200 acres of land from the Indians. They were assured that water would be available, but later on water could not be furnished. The sugar-beet people, as stated, lost \$15,000 because they could not get the water when it was most needed.

Mr. EVANS. He asked you whether it was Indian land or white land.

Mr. HARBERT. The Indian land was leased by the sugar-beet company.

Mr. EVANS. It was operated by the sugar-beet company and not by the Indians directly?

Mr. HARBERT. Yes.

Mr. EVANS. Did they employ Indians on these lands?

Mr. HARBERT. No; they employed their own labor; it is foreign labor.

The CHAIRMAN. Did anybody to your knowledge make arrangements with the sugar-beet company when they installed this plant up there to provide water for the lands upon which they expected to grow these beets?

Mr. HARBERT. No; I do not know that they did. The sugar-beet people knew this land was to be put under irrigation and would produce a large tonnage of sugar beets and that is one of the things that led people to come in there. I am sure that the Great Western Sugar Beet Co. would never have located their factory at Missoula if it had not been for the Flathead project.

The CHAIRMAN. Is it located somewhere near water, adjacent to land that is now having water distributed?

Mr. HARBERT. No; it is not. The factory is located at Missoula, and the same price for beets is paid at Polson that is paid at the factory.

Mr. EVANS. Polson is on the reservation?

Mr. HARBERT. The Northern Pacific Railway would not have built their line on the reservation, if they had not the assurance that this project would be aggressively and continuously prosecuted. They realized the value of irrigation. Mr. Hannaford, president of this railroad company, told me when I was president of the Polson Chamber of Commerce, that as soon as the project was well under way the road would be built and not before.

I simply want to give you the facts here. I do not want to exaggerate, but to give you the absolute facts, and I am going to give them just as nearly as I can. I want to tell you the facts. I have been in that country in the reservation for a period of eight years. I have been in the Flathead country for a period of 21 years. I am a poor man there, just a little country merchant, trying to eke out an existence, and the condition of the farmer is reflected in my business. I am not here on any salary. I am not getting any per diem to come here. The people said, "You go, Harbert, and while you are gone we will pass the hat and raise enough money to pay your expenses." My interests are closely allied with theirs, and when I speak for the unit holders of the project I am speaking for myself. There are some selfish motives in my coming here.

The whole country depends upon irrigation and we expect some time to see the Flathead country a very prosperous country. I know that every acre of that land, under water, will yield a good living for the man that is on it. Irrigation will add wealth to our country and make the farmer independent. It is impossible without irrigation; they are lost; they can not live.

Incidentally, I might call your attention to the rainfall they have in that country.

The CHAIRMAN. That is in the record several times.

Mr. HARBERT. I might say that I have a reclamation record here. You gentlemen who are interested in that know about how much water it takes to grow wheat. The average rainfall at the stations of Missoula and Kalispell is, April 1.10 inches, May 2 inches, June 1.75 inches, and in July 0.85 inch, making a total of 5.70 inches of rainfall during the growing wheat season.

I am asking you gentlemen, is it possible, as an average over a long period of years, is it possible to raise a crop of grain on a rainfall like that? We are living in a semiarid country. In 1916 without irrigation, they got a wonderful crop in the Flathead Valley and even in the Valley View districts, Mr. Evans; in some instances the volunteer crops, volunteering for two years, they got as high as 25 bushels to the acre. So it can be seen what irrigation, what water would do. In 1910, the first year the reservation opened up, they had a very good crop and some very good yields were reported on virgin soils. The next good crop was 1916, and the balance of the time the crops were either fair or failures, and on the average dry farming on the irrigable areas of these reservations is impossible; they can not get by. These people to-day are in a deplorable state—mortgaged to death—and it is going to be difficult for them to buy seed to farm during the coming year.

Senator WALSH. A matter to which the committee called our special attention was the disparity between the area actually irrigated and the area which the reports show is subject to irrigation. You spoke about that briefly. Can you say anything further about that?

Mr. HARBERT. I particularly wanted to mention that. We put in 32,000 acres out of a possible 91,000 acres, which I think was a very good showing on a project that has only gone as far as the Flathead. I thought that condition was particularly good and especially call the attention of the committee to it.

Senator WALSH. Some people, I dare say, members of the committee, have the idea that there is 60,000 acres of that land that is

open to irrigation and could be irrigated, and there is no disposition to use the water on it. Will you explain, if you can, Mr. Harbert, what the situation really is, and if there is that disparity?

Mr. HARBERT. There is not that disparity now. I admit there was that disparity during the early stages, and, as I have explained, one of the reasons is that for the first development the divisions containing the largest proportion of Indian allotments were selected. I am not finding fault with that. The Indians made their selections and they took the best lands, and after the foothill lands were exhausted took the best lands on the project around the rim. Take this land down that main valley, around Ronan, and around Pable, they are pretty good lands, the very best on the reservation. The Indian, you understand, is not an agriculturist, and as Mr. Evans formerly said, it was the duty of the Government by precept and example to teach the Indians how to make their allotments yield them something worth while. They are not farmers. But I have talked with a great many of them and I am safe in saying that 75 per cent of the Indians are anxious to have this reclamation project completed. They realize that in the end their lands are just as valueless to them without water as the white man's lands.

As I said, the white man's land was only irrigated incidentally to reaching the Indian lands. The people are poor out there. They were there without a cent. Some of them took up lands for speculation, intending to keep them a year or two and get what they could and get out, but most of them have tried to cultivate these lands and are on these lands now, and are people who intend to stay if conditions are such as to permit them to stay. The land is rough and it takes money to irrigate land. I am reliably informed that it costs \$35 to \$60 an acre to get land in readiness for irrigation, and these people have had to do the work themselves on account of the war. It is practically impossible to get any help, and everything considered, I think they have done pretty well. I think the showing made is very gratifying.

Senator WALSH. If you will permit me, I want to say that I have heard with considerable consternation, Mr. Harbert, your statement to the effect that the sugar factory at Missoula is contemplating scrapping it.

Mr. HARBERT. They are dismantling it.

Senator WALSH. That is the saddest piece of news I have heard for many years.

The CHAIRMAN. Certainly, that has not come about since the question was raised here as to whether we would appropriate \$100,000 or \$1,000,000 for the project.

Senator WALSH. Mr. Chairman, I do not know whether that is so or not.

The CHAIRMAN. Of course, we have not settled that yet.

Senator WALSH. Well, this, Mr. Chairman, is perfectly obvious, that 10 years have gone by and the project is still two-thirds complete, and if the policy which the committee seems disposed now to pursue is to be followed, it will be 10 years more before it is completed. There is no doubt in the world that the projectors of the sugar factory at Missoula were contemplating that a very large proportion of their beets would come from this Flathead project and they obviously are not coming, and the appropriations are not being

made in sufficient amount to warrant the belief that the beets are going to come.

Mr. TILLMAN. That seems to be a very important question. I would like to ask the witness whether or not it is true that the failure of this committee to recommend the full amount asked to carry on this project is responsible for the fact that this beet-sugar concern is going to leave.

Mr. HARBERT. No, it is not.

Mr. TILLMAN. And has not stated that is the reason.

Mr. HARBERT. They did not know it at the time, but they simply said, gentlemen, we can not get sufficient acreage. Of course, the Indians are not going to raise sugar beets; it is too much work. If the sugar beets are going to be raised, it must be by the people who lease the Indian lands and not by the Indians.

Mr. TILLMAN. I want that point cleared up. It is highly important from the standpoint of this committee, if a failure to appropriate the old amount asked is responsible for that. The Senator suggested that.

Senator WALSH. I would not like to have the committee imagine for a moment that I find any immediate connection between the refusal of this committee to make an appropriation of \$1,000,000 and the dismantling of the sugar factory at Missoula, because it must have been initiated before any intimation could have come about of the attitude taken by the committee, but I wish you to bear in mind that some three years ago we got an appropriation of \$750,000. I visited the factory when it was just about to be put into commission, in the fall of 1917, two years ago last fall. It was a lovely factory, up to date in every respect, and I learned with considerable interest that the projectors had been able to get the knives from the Diestel works in Philadelphia instead of Germany, as all the factories in the United States had done. They were all well pleased with that.

Now, the most successful reclamation project in the State of Montana is the Huntley project. It has been a success in every way and has been a success because it stands next door to the sugar factory at Billings.

I have not the slightest doubt that if the appropriations had gone on as they did three years ago, at \$750,000 a year, the project would be now well toward completion. I can not doubt that the projectors of the factory had in mind the early completion of the Flathead project at the time they instituted it, and I have no doubt that the delays in that matter were one of the elements which must have resulted in the purpose now to dismantle.

What I mean about the matter is that this Huntley project has been made a complete success and the Government will get back every dollar and promptly, too, that it ever put into the Huntley project. The success of the Flathead project was entirely assured, entirely assured, in my judgment, by the establishment of that sugar-beet factory at Missoula. I do not feel so confident about it as I did, after getting this information.

The CHAIRMAN. What would you think of this, serial No. 14 of our hearings, October 17, page 18, statement of Mr. Davis, which I will read. It is only a few lines. Would you think that this had anything to do with the discontinuance of the Missoula sugar plant:

Mr. DAVIS. One of the reasons, Mr. Chairman, that I have not mentioned for the nonuse of this water is the fact that the gambling element is strong in everybody, including Indians, and it is possible to get the crops there some years without water. We have found that influence operating in such projects in the semiarid region, where it is unquestionably the fact that irrigation is a wise insurance and will pay in the long run, but nevertheless, it is difficult to get people to pay the annual charges, and use the water, because they prefer to take a chance in getting the crop without it. The last three years, however, has changed the minds of many people in Montana on that point, and I think the use of water where it is available will be more extensive on account of the dry years. We find a good deal of complaint from Montana in regard to the dry seasons, and a very remarkable revulsion of feeling on the part of many people on the reclamation projects outside of the reservations. We have had the same difficulty on the projects.

Has not the fact that the last three years being dry had more to do with their going away than anything else?

Senator WALSH. I do not think that fits in with Mr. Davis's statement of the matter at all. What Mr. Davis desired to convey to you is this, which we have experienced everywhere. Five years ago you could scarcely sell irrigated lands in Montana at anything like their real value. Everybody who went to Montana for the purpose of buying land went out to buy dry farm lands under the belief that they could be operated very much more profitably. That is what Mr. Davis refers to as the gambling spirit. The fellow who wanted to buy lands and could not farm had something of the gambling spirit and he was going to gamble; he was going to move upon dry farming lands that he could get cheap instead of buying the high-priced irrigated lands. And Mr. Davis indicates that he believes that the man going out to get land who could not farm, in the light of the experience of the last three years, will buy the irrigated land.

The CHAIRMAN. But the Senator is familiar, of course, with the fact that for many years beet sugar mills have been put up throughout the country, mills on a gambling proposition. It has been done right in the center of the State of New York, and after one or two or three years of trial they have been abandoned or moved away. I have in mind now one very splendid factory where at least \$150,000 to \$200,000 were spent on it which found itself in the midst of the most fertile part of the United States unable to operate and make sugar from beets. It occurred to me that something of that nature might have influenced the factory up there to discontinue as well as the thing that has been suggested, a lack of water.

Senator WALSH. There are a number of other considerations and I think for the information of the committee I ought to speak about them. Difficulty has been experienced in the old beet-sugar sections of Montana about getting the beets for sugar. You take at the Billings factory they have not been able to get beets adequate to supply them with more than 25 per cent of their capacity. The farmers went into the cultivation of wheat at \$2 a bushel and other like production, hay and alfalfa, which they feed to stock, rather than into growing beets, and I have no doubt in the world that was an element that entered into the abandonment of the Missoula factory as well. They could not get the farmers to raise beets with the high prices for cereals and other crops of that character, and, as I said, Mr. Chairman, that to my mind, is a condition, and the beet-sugar factory people must have understood it as a condition that would pass away, and doubtless was an element that entered into it.

The CHAIRMAN. I think, Senator, that there were two controlling reasons why the committee saw fit to take the action proposed in this appropriation. First, that there are 91,000 acres under constructed works and there are only 27,128 acres actually irrigated; that there are only 2,410 Indians; that there are only 3,267 acres cultivated by the Indians; and that there are about 22,870 acres cultivated by the white owners. Second, in connection with testimony adduced by us as late as one day this week, from the Secretary of the Interior, in which the question was propounded to him as to how far these irrigation schemes should go ahead of the necessity of the number of acres. It was then that we were 10,000 acres ahead of the necessity, and the Secretary agreed with that that projects ought not to be continued beyond the necessity except under certain conditions, and he stated further that if he were a member of the committee he would take the same action that we were taking with regard to these projects.

Now, I want to go one step further: There is no disposition on the part of any member of this committee, so far as I know, to in any way limit proper irrigation schemes, but there is the thought on the part of a large number of the members of the committee that where a project is so thoroughly and fully employed and the land is so fully under cultivation by white men, that the time has come when some arrangement should be made for the return of some part of the money which has already been expended. And it was thought by this committee, after a very careful and complete investigation, that the only way we could come to an agreement and proceed in an orderly way with these projects was to stop somewhere and start over again. The chairman and members of the committee brought to this committee the men in the highest positions with reference to these developments and questioned them fully and concluded that the amounts they put in the bill are sufficient to maintain and operate the projects with an amount in addition sufficient to keep them from undue depreciation until such time as these arrangements could be made. And we have gone to the extent, on the appeal of members, of the suggestion that I have laid before Senator Walsh with regard to the further amount that we would be willing could be used for development purposes on the projects, provided it could be collected from the users of the water. I maintain, as very many of the members of the committee maintain, that the user of the water, who is in the same position to-day with regard to the use of the water that he will be when the project is finally finished, which might be 50 years from now, is just as much entitled to begin to pay on the basis of the fact that the project is completed so far as it ever will be, as far as he is concerned, and therefore we have put into this act and hope to make it a law, that unless such an arrangement is made, no part of any appropriation that we have in the bill for a capital purpose for the extension of a project can be used until such time as that arrangement is made.

Now, after that is done, we have a comprehensive agreement before us so that we know when we are making these appropriations that when they are supposed to begin to pay thereunder. Do the Senators know that we have developed in this testimony the fact that very many of the appropriations made previous to August 1, 1914, were made as gratuities for these irrigation purposes? It has also

been found that on the date I have mentioned, somebody, by a dream or the waving of a magic wand, wrote into the law that all moneys theretofore or heretofore appropriated for these purposes should become a charge against the property and we do not know but what there may be a situation of that kind existing in some of the appropriations, which we want to determine and find out now. We are asking in this bill that these illegal charges which have been made against the Indian shall be repealed in this act, and once getting the books of the bureau straightened up the Indians will know and the man who enters on Indian property will know what charges there are that they are actually entitled to collect from the people operating the property. That is what this committee is endeavoring to do now on these projects. We want to find out if the people who are using this water, or expect to use it later on, know that they are supposed eventually to pay the money back.

Senator MYERS. Mr. Chairman, these figures you quoted there are figures for the season of 1918, are they not?

The CHAIRMAN. My understanding is that those are figures that maintain up to July 1, 1919.

Senator MYERS. Mr. Harbert tells me there are quite a few thousand acres under water this year more than there were last year. Mr. Davis was speaking to me this morning over the phone about the fact of the water users being behind in the cultivation and irrigation of lands for which water has been provided to the extent of some 10,000 acres, as you indicate there. He says it is a fact that in regard to this project that laterals were extended and canals were dug for the use of water on this land far ahead of the reservoir and storage capacity, and that thus with the canals and laterals covering several thousand acres more than the storage and reservoir facilities hold water for, that that is the only reason, he says, it looks like there is quite a discrepancy. He said he would be glad to have the attention of the committee called to that fact. This \$100,000 that you contemplate appropriating will be just for mere maintenance and upkeep.

I would like to call your attention to the fact that that \$100,000 will become an additional obligation on every entryman, every landowner, and will add so much per acre to the cost of the land without bringing one acre more under cultivation. This just runs up the cost on those who are there without bringing one acre more under cultivation.

I am sorry that there is not a fuller attendance this afternoon. I am not blaming you because you can not get men to the committee. You notified me that there would be a meeting at 2 o'clock and that Mr. Harbert might be heard. I would like to ask this: Is it not within the possibility of things, as long as Mr. Harbert has come down here and made a very earnest and touching appeal, that a quorum of this committee might yet be gotten together and that it might be induced to put this appropriation at what it was last year, \$375,000, so that a little progress could be made in putting more land under reclamation?

The CHAIRMAN. Senator, I may be very dense, but I am not convinced, even by the statement of the gentleman who has come all the way here, that there is not sufficient acreage up there ahead of the

necessity now, so that if we hold up for a year that anyone is going to be hurt by it.

Senator MYERS. But, Mr. Chairman, you can readily see that this \$100,000 will just add an extra cost to every acre there without bringing a particle of new ground under cultivation.

The CHAIRMAN. My understanding is that there is a charge up there for maintenance and operation of these projects. Is that the fact, Mr. Meritt?

Mr. MERITT. Yes, sir.

The CHAIRMAN. There is a charge made for maintenance and operation and that is an annual charge without regard to this being reimbursable or any charge upon the acreage except for the rental for the use of the water. How, then, do you make the statement, Senator Myers, that this amount we have appropriated will become a charge on the acreage.

Mr. MERITT. Senator Myers means that every dollar appropriated for this irrigation project will ultimately have to be paid by the water user, and if it is strung over a number of years the cost to the water user will be that much greater.

Senator MYERS. Of course, Mr. Chairman, I know there is a small attendance here, but if you and Mr. Tillman, sitting virtually as a subcommittee, would recommend to the full committee to make this appropriation, \$375,000 or even \$250,000, I believe the committee would adopt your suggestion. I believe it would have full faith in you and Mr. Tillman, sitting virtually as a subcommittee, and would adopt the suggestion. That would take the matter off of the \$100,000 basis, which means higher costs and a year of standing still.

The CHAIRMAN. I would like to ask the Senator this: What do you say to the proposal before you in the bill with regard to that proposition, which I hand you?

Senator MYERS. I have not yet had time to give it thought.

Senator WALSH. Evidently the committee is of the opinion that this provision calling for payments from those who have a complete supply of water, that the amount realized to be expended in addition to the \$100,000 will really swell that appropriation to some extent. Perhaps it will, but there are several things to be said about it. You will observe that Mr. Harbert told you about the sugar company that leased 200 acres of land and put it into beets, and then because there was not storage capacity they were not able to get the water, or, at least, all of the water that they needed for that.

Over in the Camas section they have got the ditches all right, but they will be able to get water only in the high-water season, when there is an abundance, and when the dry time comes there will not be any, because they have not the storage. Of course, you can not get anything out of these people, who have not the assurance that they are going to get water at any time when they need it. They owe nothing to the Government. In the first place, you would have to take out all that acreage. Then, Mr. Harbert called your attention to the fact—and that is undoubtedly correct—that the Indians selected their lands adjacent to the ditch where the water would be first put, and that the white settlers were therefore obliged to go to more remote sections. You must, of course, take out the Indian

allotments. And so you will observe that the source from which you can get anything is somewhat limited.

But there is another thing: Take the people who actually have the water, so that they have the water for the entire season, and in the dry time, when they need it they have got it, as well as 50 years hence, when the thing is entirely complete. They went in there, of course, under the law as it existed at that time, and they practically have a contract with the Government under which they pay for their water in 20 annual payments, and you can not make them pay any \$10 an acre, because nobody will contend, I suppose, that the actual cost will be now more than \$100 an acre, and it is supposed that it will not go to \$75. You can not jump those people and make them pay \$10 an acre off the bat. We might be able if you let this thing go on for reconsideration of the matter in the Senate to work out something.

The principle is quite right. There is no reason why that thing should be delayed indefinitely. I am not sure that under their contract they are not excused from paying anything at all until the estimate or determination of the actual cost is made, in which case they will be obliged to pay one-twentieth of that actual cost.

The CHAIRMAN. That is exactly what we are trying to determine.

Senator WALSH. You called my attention to that the other day, and called attention to the fact that nothing was being paid; and I thought I made it perfectly clear to you, Mr. Chairman, that nothing could be paid; that under the law nothing can be paid or will be paid until the project is complete, and the amount of money authorized in it is determined, and that is divided among the acreage under the ditch.

As I indicated to you at the outset, to make an estimate of what it would cost, and then the parties were required to pay just as on the Huntley project, just as soon as they were hooked up with water, and they were obliged to abandon that proposition; and that is why no payments have been made. The point I make is that every one of these settlers has what amounts to a contract with the Government, which is to begin payments just as soon as the project is completed and the amount of each annual payment is and can be determined.

However that may be, I am quite in harmony with the idea that if we can make those people pay we should begin to make them pay that \$10 an acre, and begin to make them pay their 20 annual payments, as nearly as we can guess what the amount is going to be.

The CHAIRMAN. That \$10 amount in there did not originate with the chairman of the committee, and also I would like to ask the Senator if he thinks in case we find we can not collect any of this money on any of these reimbursables until sometime in the dim future when those plants are completed, that that will assist in getting larger appropriations for the further development of these plants?

Senator WALSH. Of course, I do not know. I should think that under those circumstances Congress would feel disposed to hurry the plant.

The CHAIRMAN. I quite agree with the Senator that Congress ought to do it, but whether the Indian Affairs Committee should do it or not is quite another question.

Senator WALSH. I do not understand that.

The CHAIRMAN. Where there are 2,410 Indians involved in the use of 31,000 acres of land, I appreciate that the Indians get some benefit.

Senator WALSH. That is another aspect of it. I thought I made it quite clear when I was here before that the white settlers who paid their money for the land under the ditch at the valuation that was made upon the assumption that that was irrigated land and the Government of the United States took their money and has their money that they are as much entitled to consideration as the Indians, and that there is no reason for hesitating at the completion of this project because the Indians are not using it. You practically told those white settlers, if you go upon that land and you take it, and you take it at the high price, we will, within a reasonable time, complete this irrigation project for you. You held out that promise to them. What is the use of talking and hesitating about the completion of the project because the Indians are not using the water. The white settlers will use the water and they are just as much entitled to the completion of their contract with the Government of the United States as the Government of the United States is in honor bound to complete the project for the white settlers just as certainly as for the Indians.

I merely desire to add, Mr. Chairman, that I shall be glad to do what I can to aid you before the Senate committee in carrying out the idea embodied in this amendment. I would like to dissipate the idea, because I think it is erroneous, that it will add anything substantial to the appropriation of \$100,000.

The CHAIRMAN. I quite agree with that, Senator, but I thought we might find out by that whether there was a considerable number of users of water up there who would desire to have additional water to the extent of being willing to pay something for it in addition to that sufficient for maintenance and operation.

Senator WALSH. That involves another question. That involves another question of policy, and a policy that will reverse the policy of the Reclamation Department. Mr. Reed probably might speak about that. The Reclamation Bureau, after having had some bitter and embarrassing experiences with respect to this matter, has concluded that the wise policy to pursue with respect to this matter is to charge an annual rental upon these people who have the use of the water completely until the work is finally complete, and then their payments commence. Of course, if we are going to ask these people to pay \$10 an acre or to begin making their annual payments we can not charge them any rent.

What I mean is that this amendment, although I dare say you have not considered that, sets up a policy with reference to this matter that is contrary to the policy of the Reclamation Department, which it has developed as the result of some very bitter experiences with respect to it.

I shall feel obliged to call Mr. Davis and Mr. Bien, to get their views concerning the wisdom of thus abandoning the policy of making a rental charge upon those who actually use the water.

The CHAIRMAN. In that connection, will the Senator permit me to say that the total amount of money expended on these projects for maintenance and operation to date is about \$3,500,000; the total amount collected for maintenance and operation is about \$800,000; so that there is not any considerable amount being paid in by the

users of the water even for maintenance and operation. I am speaking now of the general irrigation schemes which are carried on by the Indian Service within the Indian Service.

Mr. HARBERT. They have there been charged 50 cents an acre-foot for the water, which, as I understand it, is not the mandatory charge. They simply make application at the beginning of the year how many acres of land they will put under water and pay this 50 cents an acre. You are familiar with the terms of the payments in 20 years?

The CHAIRMAN. Yes, sir; and I still have the thing in mind which I think is imbued in the minds of the committee—that there is an extensive amount of acreage here which could be put under water which is not being used, and that the amount of this project is away ahead of the necessity.

STATEMENT OF HON. JOHN M. EVANS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MONTANA.

Mr. EVANS. The statement of the chairman that there is a great deal of land susceptible of irrigation more than has been irrigated, I think, is subject to some amendments. I was on the project in August last. I put a month there this year with Mr. Crowe, who is the project engineer. He told me he had under water at that time 43,000 acres.

The figures quoted by the chairman in the report give it something like 32,000 acres, and these figures were for the 1st of July, 1919, as I understand. The irrigation season begins about the 4th of July in that country, so it would indicate, if my statement is correct, that you had increased the irrigation during last year from about 32,000 to about 43,000. If you will look at these figures you will find an increase in the irrigated lands this year of something like 10,000 acres. So I think it may be stated that you irrigated last year between the 1st of July and the close of the irrigation season 43,000 acres of land.

Your report indicates that there should be 91,000 acres of land susceptible of irrigation. I beg to suggest to you that Mr. Crowe told me, and I think it is borne out by the evidence we have here, that every available inch or acre-foot, as we speak of water, was used last year, and many people who had lands susceptible of irrigation—that is, had the ditches been built reasonably close to them—could not use the water; that is, could not get the water, because storage facilities were not such as to furnish the necessary water with which to cover that land.

May I suggest to you that new land, land irrigated for the first time the first year consumes, I should say, from 50 to 100 per cent more water than would be consumed in subsequent years because the land is new or the ditches are new. They sometimes break and the water runs into ravines or runs to waste; the soil has just been turned up and is porous and water seeps through, so that if they have the same available water the coming year as was had this year, I should say you could increase your irrigable land 10,000 or 15,000 acres.

Now, if, as suggested by Mr. Crowe, they used all the water that could be used, that is, used all the water available, then it appears to me that the necessary thing to do is to create more storage. That

is in the plan for the ensuing year, as submitted by the estimates. The plan is being carried on at the present time or was carried on during the latter part of this calendar year. I read from the Reclamation Record of December, 1919, a report made for October, 1919, from Mr. Crowe, speaking about the work on the Flathead Reservation, wherein he says:

FLATHEAD PROJECT, MONTANA.

Working conditions were very good throughout October except for a few days around the 25th, when the ground froze enough to interfere slightly with the work. The labor situation has eased up until no especial difficulty is encountered in keeping the force up.

Construction.—The work at McDonald Lake Dam has proceeded very well. The first lift with a maximum height of 26 feet was completed during the month and work was started on the second lift of 20 feet. The borrow pit is developing better than was anticipated excellent dam material being taken out by the steam shovel. To date 50,000 cubic yards of embankment have been placed. Average force has been 90 men and 20 head of stock.

Excavation has been continued on the Mission A laterals; 8,200 cubic yards of excavation were moved during the month, 40 per cent of which was class 2 and class 3 material. Structure work included small masonry drops, cross drains, culverts, and minor wooden structures. An average force of 50 men and 40 head of stock has been employed.

The enlargement work on the Pablo By-Pass Canal was started on the 29th with the Monighan drag line.

Clearing and grubbing and excavation were continued on the Polson lateral A work; 5,500 cubic yards of excavation were moved, principally steep sidehill work in the timber; 4 concrete-pipe culverts were placed. An average force of 30 men and 30 teams has been employed.

Twelve thousand cubic yards of excavation were moved on the Pablo lateral 37AA enlargement, with an average force of 22 men and 36 horses.

Work was started on lining a part of the Jocko lateral E. Work was started just before the cold snap, so very little concrete was placed before the weather conditions made it inadvisable to continue.

Operation and maintenance.—Water deliveries were confined to small heads for stock water. A very slight gain has been made in reservoir storage.

Operation and maintenance forces have been engaged in taking the crop census and the making of repairs to structures and laterals.

Much fall wheat was planted. The snow during the month was of considerable benefit to crops, as practically all of it went into the ground. (F. T. Crowe.)

But I am confident that I am correct in my statement, in letters that I received from Mr. Crowe and ideas of people I met and what I saw. They plead with me to see if they could not get water from the Reclamation people, because the crops such as they had in were burning up in August, and there was no water to be had, and the only reason there is no water to be had was because the reservoirs are not sufficient to hold water for irrigation purposes.

Two or three days ago a woman from the reservation appealed to me to see if I could not get water for her land. Of course, every Congressman sends letters of that kind to the proper department. I sent this letter to the department, and I got an answer on the 17th day of December from the director, which reads as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Washington, D. C. December 17, 1919.

Hon. JOHN M. EVANS,
House of Representatives.

MY DEAR MR. EVANS: I have your letter of December 16 regarding the turnout desired by Mrs. Bailey on the Flathead project.

This is a detail with which I am not familiar at this distance, but, as you request, I shall be glad to take it up with the project manager. I know that

owing to the recent dry seasons he has been under great pressure for minor extensions and accommodations of this sort, so as to get water on additional land. Not all of these requests can be met, because the funds and other essentials do not permit. Moreover, the area that can be watered is now limited in a large way by the capacity of developed storage works, and it would be unwise to make numerous extensions that in the aggregate would mean a large addition to the area entitled to water unless we can hope for additional storage development.

As you know, this is the main thing that Mr. Crowe has tentatively planned for the use of the million-dollar appropriation requested by Secretary Lane, but which I understand the House Committee is intending greatly to reduce.

Very truly, yours,

A. P. DAVIS, *Director*.

The reason you are not irrigating more lands out there are the reasons I have assigned you. You asked why we were so long in irrigating that many acres of land or why it appears that there is a large acreage ahead of the amount that has been irrigated. When we started in on the project we first built the large canals that catch all the water that drains from the mountains around. For three or four years there was no land irrigated, because all the money was being put into the building of ditches. So we spent two and a half million dollars before we irrigated any land. Then the policy of the reclamation people was to begin to build laterals and put them out so that the lands could be irrigated. Now they have extended the laterals until the laterals are in excess of the storage water.

This project is not, Mr. Chairman, primarily, in my judgment, an Indian project; it is a dual project. It was a big basin-like area owned by the Indians. The Indians own the land and they own the water. It was opened by Congress to settlement under a law that provided that the Indians should take their share of it, 80 acres to the individual, and the rest of it should be sold to white people, homesteaders. They bought the land under that homestead law; they paid the appraised prices for the land, ranging from \$1.50 to \$7 per acre, and in addition complied with the homestead law.

Mr. CHAIRMAN. What became of the money?

Mr. EVANS. That went to the credit of the Indians. That was the first appraisalment. There were some lands left unappraised, and after the white men had gone in and paid that \$7 an acre on the first appraisalment. And by reason of his settlement and building of roads and schoolhouses and churches enhanced the value of the land, a second appraisalment was made of the remaining portion of the reservation that had not been appraised in the prior appraisalment and these lands were appraised from \$7 to \$30 an acre. Therefore, it shows that the settlement of the country by white men has enhanced the value of the land. The land had little or no value while it remained an Indian reservation, undeveloped and unproductive. The Government agreed with these people that if they would pay this amount of money, the appraisal price, it would furnish the money and put the water upon the land upon condition that the settlers pay for the reclamation of that land, each paying in proportion to the amount of lands that he had, as compared to the total amount irrigated.

For ten years, practically, these people have been sitting out there waiting for the Government to put the water on the lands. They have had many failures of crops and one or two fair crops. During

the first few years of the project many people, including the Indians and white people as well, did not want the irrigation. They did not want it because they were not irrigating people. The Indian is not an agriculturist and the white men had never lived in an irrigating country. Land sold for \$5 to \$7 an acre, and what he wanted was land without the ditch and without that additional charge of \$50 to \$60 an acre for it. The Government said, you can not take any of the water because it belongs to the Indians and we have arranged to develop it and you can not get any of it except as we distribute it. It can not be had even for towns on that reservation, and there are towns of from 1,000 to 4,000 people on the reservation.

As I said, they objected to irrigation and hoped that Congress would wipe out the proposition of irrigating it. Congress thought then and can well think now that they can enhance the value of the land so that all of this money will come back to it. The land is comparatively worthless without irrigation, and it is exceedingly valuable with irrigation, and it is only a question now whether we will go ahead with the well-planned scheme and reclaim 125,000 to 130,000 acres of land and make it productive.

The CHAIRMAN. Will the gentleman permit me to ask a question? You have used the words "well-planned" project. The gentleman will recall, of course, that the Reclamation Bureau has in a formal way recommended the cutting out and discontinuing of at least 35,000 acres which are under this "well-devised" project.

Mr. EVANS. When I used that expression I did not mean to say that the engineers were exactly accurate in carrying out the proposition, but I meant to say that the general scheme had been thought out and that thousands of feet of water that was annually running to waste to the sea could be put upon the lands. Of course, in every great undertaking, like the construction of a big building, the engineers are governed by the exigencies and necessities of the occasion. Engineers are no more absolutely accurate than are Congressmen when they take a bill and devise a scheme of some kind, and naturally had to change it and amend it. I am quite confident that there is water there to irrigate 125,000 acres of land. I have perfect confidence in the ability of the engineers to make an estimate of how much water they can get and how many acres of land they can cover if their scheme is carried to the extent they recommended and reservoirs are built. I think it is not at all improbable that engineers making a cursory investigation would find out, five years after that, here is 1,000 acres that can not be irrigated, because it will not fall under the ditch.

I am a practical irrigationist. I went upon the Flathead and I thought I showed men who had been there five or six years how to irrigate. I went into Montana in my early youth and we lived upon irrigated lands and knew how to irrigate. I know that the land of the Flathead country is productive land if water is put upon it. Without water it is practically useless. I saw the green places, oases in the desert, where they had put out and irrigated alfalfa. The rest of it was as barren as that floor; the alfalfa was as green as that table. There is no question in my mind as to the feasibility of the proposition as a business project, if the project goes on and the people are permitted to have it completed within a reasonable time, but overhead costs of continued delay will eat it all up.

The CHAIRMAN. What do you say as to this statement here? Mr. Davis, in volume 14 of our hearings, page 17, answering a question propounded by Mr. Rhodes, "What is the irrigated area under that project," speaking of the Flathead, and Mr. Davis replied:

The irrigated area in 1919 was 35,750 acres, but we were in a position to deliver water to more than twice that, nearly three times.

Mr. EVANS. I read that very carefully, Mr. Chairman. I think if Mr. Davis was here to-day that he would probably modify or explain the statement. I do not think that Mr. Davis meant that; either he was misunderstood or the statement was loosely made. I think the lands that we have got the ditches are twice or three times as much, but he tells me in his letter of the 17th that we have not got water to put on them. Besides, Mr. Davis is in Washington. He is not upon the ground. He has to depend upon a great many subordinates to furnish him data.

The CHAIRMAN. We certainly qualified Mr. Davis in all of these matters in his testimony.

Mr. EVANS. He is eminently qualified. I mean if he was here, although I have not talked with him on the subject, I am very sure that he would tell you, as he wrote me, that what he meant by it was that the ditches were down to the number of acres, but he did not mean that we could have irrigated lands last year because the water was not there.

The CHAIRMAN. He was being questioned right along that line.

Mr. EVANS. That may be. I am sure there must have been some misunderstanding in the question or answer to the proposition, and so absolutely confident of it I would be pleased if Mr. Davis might have an opportunity to say to the committee just what he meant.

The CHAIRMAN. Of course, you can understand that in making up an appropriation bill we can not summon a witness two or three times and give him opportunity to review the testimony that he has given somewhere else. But we are listening to any rebuttal of his testimony or of any evidence if you can give it that he was wrong. That only brings us right back to the same argument I have made there, that there are so many conflicting things in this testimony it seems absolutely necessary to call a halt for a short time and see if we can not find which way we are going.

Mr. EVANS. It will be a very great hardship. If these people must sit another year and nothing be done because they have been there two to eight years waiting for the Government to finish that and furnish them water.

The CHAIRMAN. When Mr. Harbert was making his statement, you recall that I asked him if he had confidence in Mr. Davis's statements, ability, and so forth. The question was based on the statement that Mr. Davis made here during the hearings on the bill, in which he was plainly asked if the \$100,000 we proposed to appropriate was a sufficient amount to maintain and operate the plant and to keep it from undue depreciation. My recollection is that he said it was, and he thought it perfectly safe to leave the project in the position it is now in until we could find out whether it is necessary to go ahead or not.

Mr. EVANS. I hope you will appreciate, Mr. Chairman, that the title of the lands under the project is in the Government of the United States. It is not in the Indian. The white man can not get title to it because he can not make payments; he can not make pay-

ments because you can not give him the water. You have made a contract with these people and we owe it to him to fulfill that contract not after they are dead but during their lifetime. It should not have taken more than five years to complete the project, and we have been 11 years on the project already. Men stayed out there, year in and year out, with the water 2 or 3 miles from them, and they can not get it. Some of these people are to blame because for some years they opposed irrigation, but canvass the situation and you can not find a man on the reservation who can do anything without water and who is not begging for the water, and we, as the Congress, have his fate in our hands—the title of his property in our hands. He can not do anything at all without water.

Mr. HARBERT. I would like to have the privilege of incorporating in the record Mr. Crowe's report. When I left Missoula he said he would send me some statistical information, data that would be helpful to the committee in arriving at a decision, and I expect that will be probably here to-day, and I would like to incorporate that in the record.

The CHAIRMAN. If you receive that information to-morrow morning I would like to see it before I agree that it goes in the record.

Mr. HARBERT. Will you hold that matter? I think maybe it is here to-day.

The CHAIRMAN. If you bring it here to-morrow morning. I do not suppose we will have this testimony printed within two or three days, and during that period if we get it and there is anything in it which has a bearing we can insert it.

Mr. HAYDEN. Mr. Crowe is the project manager in the Reclamation Service.

Mr. HARBERT. And a very competent man.

The CHAIRMAN. And this is testimony down to the minute?

Mr. HARBERT. Yes, sir; brought up to date. I am sorry that Mr. Davis could not be here. Would it be all right if we had Mr. Davis here?

The CHAIRMAN. There will be no hearings after this. When we close here to-night this is the finish on this bill, before it is introduced in Congress. I have received instructions and they can not be rescinded. The members have gone home.

Mr. Riddick, you made a statement here the other day. Have you anything further?

Mr. RIDDICK. I just wanted to ask a question. What acreage is under the ditch that is not used or cultivated? Was it something like 47,000 acres?

The CHAIRMAN. The area under constructed works is 91,000 acres; area actually irrigated, 27,028.

Mr. RIDDICK. That leaves about 64,000 acres. The question I wanted to ask is how much of that unused land belongs to Indians and how much to white people?

The CHAIRMAN. I understand it all belongs to Indians. This whole area is Indian property; is it not?

Mr. MERITT. No, sir.

The CHAIRMAN. And no one has paid fully for their property?

Mr. MERITT. About half of this land under this project has been allotted to the Indians. The white settlers have taken up homesteads on this reservation and they paid into the tribal funds of the Flathead Indians the purchase price of the lands.

The CHAIRMAN. About how much was the purchase price?

Mr. MERITT. It ranged between \$5 and \$10 or \$12 or \$15 an acre. I have not the exact figures.

Mr. HAYDEN. What was the selling price of that land that was never under irrigation?

Mr. MERITT. It brought a very small price. It was recognized that ultimately this land would be put under irrigation. All of this land is not owned by the Indians. About one-half of the land on this project is owned now by white people, and the other half is owned by Indians.

The CHAIRMAN. Did they purchase the lands from the Indians?

Mr. MERITT. Yes, sir.

The CHAIRMAN. And in that project was there an agreement that the Government must eventually furnish them the water?

Mr. MERITT. There was no written agreement to that effect, but it was the understanding that ultimately—

The CHAIRMAN. I have heard a great deal about this before in the hearings.

Mr. MERITT. There was an understanding that ultimately these lands would be irrigated.

The CHAIRMAN. Upon what authority or act was it agreed if the white men took that land and paid \$15 an acre for it the Government would put water on there sometime?

Mr. MERITT. Under the act known as the Dixon Act, opening the reservation in 1908, there was a provision in that act making appropriations for the beginning of this irrigation project.

The CHAIRMAN. Was there an agreement on the part of anybody that the Government shall actually deliver water to any particular point on that project where a man has selected property which he purchased within any limited territory?

Mr. MERITT. No, sir; there was no actual agreement entered into.

Mr. RIDDICK. When a man pays in the full amount of his money does he get a title to the land?

Mr. MERITT. He gets a title to the land, and, of course, the white man, by legislation enacted by Congress, is required to reimburse the Government for money expended on the project for his pro rata share.

Mr. RIDDICK. Whether he gets water or not?

Mr. MERITT. He will get the water and pay the irrigation charge. And it is a lien on the land for this irrigation construction charge.

The CHAIRMAN. And that is the only promise and only agreement, so far as you know, held out to the white men who came in there and bought that property? There is no further definite agreement on the part of the Government except what is known as the Dixon Act? Let us see if Mr. Meritt has answered Mr. Riddick's question.

Mr. RIDDICK. The question has not been answered, and I think it is important. My thought is that while lands might be irrigable lands and not being used, I rather think that practically all of the irrigable land that is available for the white people is being used, and they, perhaps, are entitled to more irrigation at this time. I am somewhat in sympathy with the idea that we ought not to make lands irrigable far in advance of its use, as the Indians do not take kindly to irrigation. You will find that a great deal of those unused lands

under the ditch is owned by the Indians and very little of the land under the ditch is owned by the whites, and they are entitled to the capacity.

Mr. MERITT. The figures here would indicate that is the case. The figures furnished the Indian Bureau by the Reclamation Service for the justification of the Montana irrigation projects show that only a small part of the amount allotted to Indians under this project is actually being cultivated; that only 3,267 acres are being cultivated by Indians, and there are 6,534 acres being cultivated by lessees. That would indicate that there are less than 10,000 acres allotted to Indians under this project being cultivated at this time, whereas the report shows that there are 91,000 acres under the constructed works, and possibly one-half of that acreage has been allotted to Indians.

The CHAIRMAN. What can you tell us definitely as to the amount that was allotted to the Indians?

Mr. MERITT. We have not the definite figures to show, but this project is a 50-50 proposition as between the whites and Indians under this irrigation project.

The CHAIRMAN. There would still be a surplus there from these figures.

Mr. MERITT. There has been one thought brought out at this hearing that has not been brought to our attention before. As I stated, these figures as to this project are furnished to the Indian Bureau by the Reclamation Service. The Reclamation Service has constructed these irrigation projects and we necessarily have to depend on the Reclamation Service for the data to furnish to this committee. The Reclamation Service furnished us the information that there was 91,000 acres under constructed works. The statement has been made here to-day that practically all of the lands for which there is water at this time is now under irrigation. It has been brought out that while they have laterals constructed to irrigate 91,000 acres, they have not the storage capacity and have not sufficient water available to irrigate those 91,000 acres. That is a very important point in connection with this whole irrigation scheme.

The CHAIRMAN. I appreciate that, but in this project you have not seen fit to particularize as to the amount you require for the construction of the dam or dams. That might have caused the committee to take a different view of this question, as it did on two other projects I have in mind. We have been left with the testimony we have received with the thought and the understanding that there was this large surplus of acreage up there which had not been taken up, either by Indians or white men, and we have made our plans accordingly. Then there is the further statement which I read into the testimony a short time ago, it was a straight statement from Mr. Davis on the number of acres there, which Mr. Evans has attempted to qualify, and undoubtedly to his satisfaction. Nevertheless that is the situation the committee finds itself in.

Mr. EVANS. Mr. Chairman, I think it is evident from what the chairman has said that the committee is not clear upon this situation. This reservation was opened under a statute of Congress which provided for a commission to classify and appraise the lands. They provided first, however, that when it was surveyed the Indian should go and take the allotments wherever he chose, giving him a

certain amount of land. He took this, and this, and that piece, and then the commission comes in and classifies the rest of the land as grazing, timber, and agricultural. Under the law they had to put a certain value upon it, and they did. That value ranged from \$1.50 to \$7 an acre under this first classification. The land was opened then to settlement by a lottery scheme and the man had his choice. If he picked out a piece appraised at \$7, he must pay the Government \$7 for that land. Some other man picked this piece appraised at \$5 and paid the appraised price for it. The law at the same time provided for an irrigation scheme to irrigate all the irrigable lands, the Government retaining for the Indians the title to all the water there was in that vicinity on the reservation, and the law provided that though the settler paid his \$7 and this man his \$5 he would not get title to the land until he had paid the charges for the irrigation of such of this land as fell within the irrigation system and to-day no man has got a title on the Flathead by reason of homesteading, although he has stayed there 10 years and paid the price, the original cost price, if it is within the irrigated system.

Now, going back to the question of whether or not there is sufficient storage, I want to read an extract from Mr. Crowe's report of this year under the irrigation reclamation service, on which Mr. Davis made a statement. Mr. Crowe is the project engineer in charge of this project.

STORAGE SYSTEM.

The work proposed for the fiscal year 1920 will increase the storage of McDonald Lake Reservoir to 6,000 acre-feet. It is very desirable to complete the reservoir for 8,000 acre-feet storage in the fiscal year 1921. To increase the capacity of Ninepipe Reservoir from its present capacity of 5,000 acre-feet to 15,500 acre-feet is now necessary. The increase in irrigation in the last two years has rendered the natural run-off entirely inadequate without storage. It is planned to expend \$290,000 on the construction of Hubbard Reservoir, Camas Division. This reservoir is urgently needed and the proposed expenditure will nearly, if not entirely, complete the work. The capacity of the reservoir when completed will be 12,000 acre-feet.

Mr. HAYDEN. What will it cost to do this storage work on it?

Mr. EVANS. I do not know; I have not the exact figures on it. I think that estimate was very carefully considered by Mr. Crowe and the reclamation people and even the Secretary of the Interior.

Mr. HAYDEN. I asked that question in view of the remark of the chairman that if the committee had understood all of the available land was under cultivation that could be cultivated with the present water supply it might have made a difference in the conclusion we had reached if this question of storage was brought up to date?

The CHAIRMAN. But we raised one question when you were not here and put a statement in the record of Mr. Davis, and we can go back to that statement and show you just what he said about having water enough. He said he had water enough for twice as many acres and possibly three times, as he was then irrigating.

Mr. HAYDEN. Mr. Davis, as I remember, said he had not been upon this project for two or three years, so that he would not have the latest available information on that subject.

The CHAIRMAN. But he is the real authority we are dealing with on this subject, and I can say I do not feel that I could go before the House on some supplemental statement by somebody else who

had been there possibly recently or about the same time that he was there and who makes a statement that is contrary to what the director himself has said. And, therefore, if, as I stated a moment ago, they had come in with that appropriation for a dam and had that justification for it undoubtedly this committee would in its judgment have seen fit to take care of that part of it as we did in two other cases where it was shown there was necessity.

Mr. HAYDEN. As to the question that you have raised about the obligation of the United States to do the work, I have found in a compilation of laws relating to irrigation projects the original statute, which authorized the construction of this reclamation project on the Flathead Reservation under date of April 30 1908 (35 Stat., 83):

Act April 30, 1908 (35 Stat., 83): For preliminary surveys, plans, and estimates of irrigating systems to irrigate the allotted lands of the Indians of the Flathead Reservation, in Montana, and the unallotted irrigable lands to be disposed of under the act of April 23, 1904, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," and to begin the construction of the same, \$50,000, the cost of said entire work to be reimbursed from the proceeds of the sale of the lands within said reservation.

Then on May 29, 1908, a supplemental act was passed amending this act providing that land shall be open for settlement and entry by proclamation of the President, with the usual description of the time and manner in which the land shall be opened, and that the price of the land shall be the appraised value thereof as fixed by the commission.

Now, eventually that commission, in appraising the lands, took into consideration the fact that Congress had authorized the construction of a reclamation project, because, as Senator Walsh stated, that when the settlers went on the land they were provided with maps which showed that certain parts of the reservation were to be irrigated and certain other parts were not to be irrigated. Certain lands shown on this map were appraised and sold for higher prices because of the prospect of the irrigation.

The CHAIRMAN. I do not question that some one gave them the right to believe that eventually water was going to be put there, but whether it was going to be put there by a certain department of the Government of the United States, known as the Indian Service, to put water on the lands 90 per cent of which were to be used by white men is another and a different story with men. I would like to ask you now how many of these people were on the land before 1908.

Mr. HAYDEN. The reservation was not opened prior to that.

The CHAIRMAN. Was there entry on it?

Mr. HAYDEN. No, sir. The act provided that each Indian should receive his allotment on the surveyed lands of the reservation, which amounted to about one-half of the total area, the rest of the lands to be sold, and that they should be appraised according to their value. That appraised value was based upon whether they were to be irrigated or not.

The CHAIRMAN. Are all these people located upon this proposed 135,000-acre project?

Mr. EVANS. No.

The CHAIRMAN. Why haven't we made an agreement not to continue to build irrigation schemes for all the people who are on this land?

Mr. RIDDICK. Because most of the land they cultivate is irrigated and sold and appraised as land to be irrigated. When the Government appraised the land and indicated that certain parts of it were irrigable land it sold as such, and that carried with it an implied agreement that they were going to irrigate it for them, and people bought it with that understanding.

Mr. EVANS. A man who has land outside of the irrigation area can get his title to the land, but if it is inside of it he can not get his title.

Mr. RIDDICK. He gets that understanding from a plain reading of the law.

Mr. EVANS. Just the same as the Government holds title to the lands under the reclamation laws until everything is paid for.

Mr. RIDDICK. Mr. Chairman, it seems to me that this committee arrived at its conclusion with the understanding that this irrigation was developed far beyond its use. There seems to be a grave question whether that is true or not from the testimony that is before the subcommittee to-day. Would it not be possible to give one hour after the holidays?

The CHAIRMAN. Not in my instructions here. The resolution of Mr. Elston reads:

That the chairman be instructed to report this bill as passed upon, provided there is no change made in it by reason of the hearing arranged for and the bill shall be brought up in the House in its regular order.

That is the wording of the resolution. My understanding was that we could hold a hearing here this morning or to-morrow morning, so long as the bill was reported not later than to-morrow noon. I can not see why, if this is a perfectly proper thing to do, after investigations of some weeks, that some one can not offer on the floor a provision to expend the amount collected, if that is what they want; but I want to say to you gentlemen right now that after hearing what has been said here to-day I am not convinced that this committee is not doing the right thing in providing this \$100,000, and then we will know where we are at. There is a conflict of testimony with regard to who is really developing the lands. The testimony shows that it is very difficult to get an Indian to cultivate an inch of it; and if you are going ahead in the interest of the white man entirely, I do not think we ought, as an Indian Affairs Committee, continue to operate irrigation schemes for the benefit of the white man. Let them go to the Reclamation Service, where they belong, and get service from that source. If this is a proposition to develop 90 per cent for the benefit of the white man, I would turn it over to the Reclamation Service, if possible under the law, and let them operate it in their own way.

Mr. EVANS. You can not turn it over to them as long as you hold title for the Indians.

The CHAIRMAN. Gentlemen, so that you may know how I stand here now: Unless something more startling is brought to my attention before this bill goes in the House I shall take exactly the same position about the project that I am taking now. I serve you notice now to that effect. I am considering the state of the Treasury

of the United States in connection with these things, as well as the necessity of the few people there who may not be any worse off than many people in many other sections of the country where the Government is being appealed to assist.

Heretofore in the five years I have been on the committee, with all due regard to the men who have operated it from time to time, at different times I tried to suggest the idea of upkeep, getting the interest; and notwithstanding Senator Walsh, I still think that there are many people upon this project who are using water and making a profit out of the use of it who are perfectly willing to begin to pay something on that property now, which they eventually would have to pay later on, and I do not care if there is a dispute on the part of the water users. There is evidence, on the other hand, that they are willing to pay some of it back.

Mr. HARBERT. You could not ask them to pay any more than the amount provided for in the law; that is, the first payment.

The CHAIRMAN. I think that even some of our treaties can be modified to make an arrangement in the future equitable to all parties concerned and perfectly agreeable to the parties and to the public.

Now, I maintain if we had entered into a bad bargain it is time for us to revamp and look over these bargains and rearrange them on a different basis and not continue to go on and put millions and millions of dollars into projects, such as this calls for. In irrigation projects, as I see it, the estimates to complete the projects that are now in hand, run into millions of dollars. We were requested to put one into this bill this year in which the estimate was close to \$7,000,000 for the completion of the project. I want to see some better arrangement made. I want to be sure that there is a necessity there and that the public generally, not only the Indians and people who are located immediately around the projects, are considered and protected. I do not think there was a single witness, except Mr. Reed, familiar with this project, who would say that it is a good project.

Mr. EVANS. We have, except Yakima, one of the best projects.

The CHAIRMAN. This isn't the only project we have been interceded with to increase by any means. We have felt that the policy we have adopted is a good one to try out anyhow, even though it may be contrary to the policy laid out by the Reclamation Service.

I have found in the few years I have been here, many things to cause me to believe that the policies were wrong. That is what we have tried here—to get out and get on a new basis. It may be that we have failed, but we have attempted to do it. There are some things revolutionary, but they may be changed. I don't see any way they can be changed until that is found out.

Mr. HARBERT. It seems to me, Mr. Chairman, till we get this water our people are in a hard fix. If they are not able to get this water, we will be in a bad shape.

The CHAIRMAN. They are in as good fix this year as they were last.

Mr. HARBERT. They couldn't get the water, Mr. Chairman.

The CHAIRMAN. There wasn't any water to get. The testimony shows there have been three dry years up there, and there may be a reasonable fall of water which will help the situation out.

Mr. HARBERT. The rainfall, I think the ordinary, average year, is too small.

The CHAIRMAN. The average annual rainfall is 16 inches.

Mr. HARBERT. That is approximately correct, sir. Approximately so. Approximately correct for the whole year.

The CHAIRMAN. Is there anything further any one desires to say of a definite character, at the close of the hearing? Do you desire to say anything Mr. Meritt supplementing what you have put in in the hearings.

Mr. MERITT. I haven't anything to say except to correct the impression you have, Mr. Chairman, that the Flathead project is not a good project.

The CHAIRMAN. That isn't an impression. That is in the record in several places, where you would be bound to lead anybody. If you recall, the question was asked Mr. Commissioner Sells as to the advisability and feasibility or necessity for those plants, and the three of them—Fort Peck, Flatfeet, and Flathead—were enumerated, and if my memory serves me correctly he said they were of very doubtful character.

Mr. MERITT. I think that is the wrong impression that the commissioner has in regard to the Flathead. My statement before the committees for a great many years is to the effect that the Flathead project is a successful project. It will ultimately be a very splendid project when all the land is placed under cultivation. I can't say that for the Blackfeet project, because of different climatic conditions. But the Flathead project will ultimately be a very successful project and every dollar of the money advanced for this project will be returned to the Treasury. And I would like also to say that this hearing has brought out the fact that additional money is needed for storage purposes in order to get the water to convey to the lands for which they have already got laterals constructed. That, to my mind, places a different view in regard to this project. The policy of the committee that we only have 32,871 acres under cultivation and they have 91,000 acres actually under the irrigation project is not absolutely correct. The figures furnished to the Indian Bureau by the Reclamation Service did not bring out the fact that they didn't have water to irrigate this 91,000 acres. Therefore, I think that before this Indian bill is finally passed either before this committee or before the Senate committee, we should get exact information from the Reclamation Service and from the man in charge of the construction of this project.

The CHAIRMAN. I understand Mr. Crowe is the man, and he is going to have testimony here to-morrow morning, which we will put into this record.

Mr. MERITT. He is the man in charge of the project. I am favorable, Mr. Chairman, to appropriating sufficient to furnish storage water to irrigate the land now under constructed works.

The CHAIRMAN. I am, also, after I am convinced that some arrangement is made whereby the money is to be returned, or liquidated, which has already been appropriated under present disbursements.

Mr. MERITT. I am also very much in favor of that, Mr. Chairman.

The CHAIRMAN. In answer to that statement, I desire to quote Mr. Davis from page 17, serial No. 14 of the hearings, in which he stated that:

The irrigated area in 1919 on this project was 35,750 acres, but we were in a position to deliver water to more than twice that and nearly three times.

Mr. EVANS. That was very much qualified by Mr. Davis right following that, Mr. Chairman.

The CHAIRMAN. That is all right. You can use the qualification if you want to. If that is all, we will consider the hearing closed.

(Thereupon the committee adjourned sine die.)

CHIPPEWA ITEMS, INDIAN APPROPRIATION BILL (BOOK OF ESTIMATES, PP. 454-456)—INCLUSIONS AND AMENDMENTS ASKED BY CHIPPEWA INDIANS.

The Chippewa Indians respectfully request the inclusion of the following items in the Indian appropriation bill omitted by the department in its estimates for the next fiscal year, and the following amendments to the items estimated for by the department:

AMENDMENT NO. 1.

At the end of the item appearing on page 454 of the Book of Estimates and reading as follows: "For support of a school or schools for the Chippewas of the Mississippi in Minnesota (art. 3, treaty of Mar. 19, 1867), \$4,000," add the following:

"*Provided*, That all of said appropriation, together with one-third of the funds arising under section 7 of the act of January 14, 1889 (25 Stat. L., 642) and set aside by said act of 1889, exclusively for the 'establishment and maintenance of a system of free schools among said Indians' shall be expended under the direction of the Secretary of the Interior in aiding in the establishment and maintenance of public schools in connection with, and under the control of, the public-school system of the State of Minnesota, at places where such schools are needed for the proper education of Chippewa children, under rules and regulations to be prescribed by the Secretary of the Interior."

EXPLANATION.

Proper school facilities for the Chippewa Indian children are more important to the Chippewa people than the entire Indian Service now being maintained by the Indian Bureau.

Reference to the explanatory statement of the expenditure of this appropriation this fiscal year, which appears immediately following the \$4,000 item (Book of Estimates, p. 454) shows that it is not being used for school purposes. Three thousand eight hundred and eighty-eight dollars and thirty-four cents of the \$4,000 appropriated for this year is being expended in salaries of regular agency employees wholly disconnected with the school service, unless it can be claimed that the "superintendent" is so connected; which is true in theory but only remotely true in fact. The "superintendent" is the agent at White Earth and as agent there are under his jurisdiction three small day schools located at Pine Point, Round Lake and Twin Lake claimed to have a total average attendance of 91 children. It will thus be seen that practically not a dollar of this \$4,000 appropriated "for the support of a school or schools for the Chippewas" is being expended for school purposes.

By section 7 of the act of January 14, 1889 (25 Stat. L. 642), one-fourth of the interest accruing annually on the principal Chippewa trust fund created by that act was set aside to be "devoted exclusively to the establishment and maintenance of a system of free schools among said Indians, in their midst and for their benefit."

The boarding school at White Earth, which was the largest boarding or day school maintained among the Chippewas, became so unsatisfactory that arrangements were made this year whereby the taxpayers of Becker County, the majority of whom are Chippewa Indians, took over the school and made it a part of the public-school system of the State. For the first time the Indian children

at and near White Earth have been afforded good school facilities by this change.

This school had previously cost, under departmental control, more than \$25,000 per annum. The expenses were paid out of the school fund of the Indians. Since it has been transferred to the State and made a part of its public-school system, the department has refused to allot a dollar of the Indian school fund to aid in its establishment and maintenance, notwithstanding a large majority of the children in attendance are Indian children and the school is being supported by taxes paid by their Indian parents. The school fund arising under section 7 of the act of January 14, 1889, amounts annually to about \$75,000. Seven-twelfths of the Chippewa Indians were allotted on the White Earth Reservation. They are getting substantially no benefit from the school fund which is being expended elsewhere. Additional public schools are needed throughout the entire Indian country. They can only be established at the expense of the Indian taxpayers. The Chippewa Indians ask that one-third of their school fund be used in aiding the State in establishing and maintaining public schools for the benefit of the Chippewa children.

AMENDMENT NO. 2.

That the following item be included in the bill:

"The Secretary of the Interior is hereby authorized to advance to the executive committee of the White Earth Band of Chippewa Indians in Minnesota the sum of \$1,000, or so much thereof as may be necessary, to be expended in the annual celebration of said band to be held June 14, 1920, out of the funds belonging to said band."

EXPLANATION.

An item in the identical language of the above amendment has been carried in every Indian appropriation bill since 1906. (See Book of Estimates, p. 454.) The money comes out of the Indian funds, and they ask the appropriation. Similar appropriations have heretofore been carefully inquired into by the Committees of the House and Senate and each time allowed. This celebration is a great event among the Chippewas and is participated in by Indians from many States, particularly the Dakotas, Wisconsin, and neighboring States. It is in celebration of the Chippewa settlement at White Earth.

AMENDMENT NO. 3.

That the following item be included in the bill:

"That the sum of \$10,000, or so much thereof as may be necessary, of the tribal funds of the Chippewa Indians of the State of Minnesota, is hereby appropriated to pay the expenses of the general council of said tribe to be held at Bemidji, Minn., beginning July 9, 1920, pursuant to the constitution of the general council of said Chippewa Indians of Minnesota, organized in May, 1913, and to pay the expenses of said general council in looking after the affairs of said tribe, including the actual and necessary expenses of its legislative committee in visiting Washington during the second session of the Sixty-sixth Congress; said sum to be immediately available, and said expenses to be approved by the president and secretary of the general council and certified to the Secretary of the Interior and as so approved and certified to be paid."

EXPLANATION.

The department in the Book of Estimates (p. 455) set out what purports to be the item contained in the Indian appropriation bill approved June 30, 1919, for the support of the general council. The item as it appears in the Book of Estimates is the item appearing in the act of May 18, 1916, and is only a part of the item carried in every appropriation bill enacted since that date. The amendment submitted is in the identical language of the item appearing in the act of June 30, 1919, and the two preceding acts.

Out of this appropriation is paid all the expenses of holding the general council, its delegates to Washington, of officers and committeemen, of investigating of tribal affairs, and like expenses. This council has accomplished splendid results in the last few years, some of which may be here mentioned:

It furnished the facts to the Minnesota Delegation and the committees of Congress that resulted in effectuating a saving to the Chippewa Indians of \$85,000

annually in the appropriations for "support and civilization" and expended by the department by demonstrating that the appropriations were excessive.

It has protected the property rights of a large number of minor Indian children of which said children were deprived under rulings of the Indian Bureau and the department, saving to said children property of the value of from \$1,000,000 to \$3,000,000.

It has stopped the issuance of patents to the State of Minnesota to approximately 700,000 acres of Indian land and has convinced the Government officials that patents already issued to the State for about 700,000 acres of Indian land were erroneously issued which will result in a saving to the Chippewas of several million dollars and relieve the United States of claims against it for a like amount.

It has, through the department, saved the Chippewa people within the last year more than \$100,000 in the redemption of United States bonds bought with their individual funds needed for their support and education.

It has established and protected the property rights of hundreds of the members of the tribe, saving their property to them in many instances.

It has prepared and submitted drafts of legislation, which, if considered and acted upon by the committees of Congress and Congress will conserve the property of the Chippewas and save the United States millions of dollars in claims, that are now accruing.

It has greatly improved the educational facilities of the Chippewa people, resulting in untold benefit to the Indians.

It has aroused a spirit among the Chippewas resulting in their individual financial independence and moral elevation.

This is only a part of what it has accomplished and it asks this item in order that its good work may go forward.

AMENDMENT NO. 4.

Page 456, first item, in line 2, strike out the figures "\$100,000" and insert in lieu thereof the figures "\$75,000."

In line 3, after the word "necessary," strike out the words "of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota.'"

In line 7, same item, strike out the words "in manner and for purposes provided for in said act."

At the end of the item add the following: "*Provided*, That no portion of said amount shall be directly or indirectly used in the support or maintenance of any member of said tribe who is the owner of property or who has lands or money held under the control of the United States."

EXPLANATION.

The first amendment in line 2 reduces the appropriation from \$100,000 to \$75,000. The total membership of the tribe is about 12,000. About 30 per cent of this membership have left the Indian country and are engaged in business and in the professions elsewhere. Notwithstanding the insistent request of the general council for the last three years that a classification be made of the remaining membership of the tribe so as to determine the number of incompetents, no such classification has been made, and to-day no one knows with certainty how many members of the tribe need any supervision and protection, and if so to what extent, at the hands of the Indian Bureau. From the best information obtainable it is estimated by the officers of the general council that there are not to exceed 20 per cent of the 70 per cent remaining in the Indian country who can possibly be classed as incompetent to manage their property affairs.

The competent Indians need no supervision, assistance, or control at the hands of the departmental agents. Only a sufficient appropriation to enable the department to look after the incompetent class should be made, and it is the opinion of the members of the general council that an appropriation of \$75,000 will be ample, particularly if the last portion of the amendment is adopted which will prevent the departmental officers from rationing, clothing, and supporting Indians out of the tribal funds where the Indians thus being supported have property and individual funds standing to their individual credit. This condition exists to-day, and as long as it is continued members of the tribe who otherwise would be self-supporting will remain in indolence.

The second and third provisions of the amendment make the appropriation out of the Public Treasury and not out of the trust fund of the Indians. The general council insists that Congress has no lawful right to appropriate a part of the trust fund of the Indians for the support of the governmental agencies in Minnesota. These agencies were in existence when the Chippewa Indians entered into the agreement of 1889 with the United States under which the fund was created under an express trust. The Indians insist that the trust fund can only lawfully be expended in conformity with the express provisions of the trust creating the fund. By section 7 of the act of January 14, 1889, which required ratification by the Indians before it became operative, and when ratified became an express agreement of equal import to a treaty, a fund was created under an express trust, and it was provided: "That Congress may, in its discretion, from time to time, during the said period of 50 years, appropriate, for the purpose of promoting civilization and self-support among the said Indians, a portion of said principal sum, not exceeding 5 per cent thereof."

The words "from time to time" clearly indicate that it was never in the mind of either party to the agreement that there were to be regular annual appropriations made from the fund. At that time the United States was paying out of the public money all the expenses of maintaining the Indian agencies, and if it had been the intention of either party that these expenses were thereafter to be paid out of the trust funds, express provision therefor would have been necessary. When the commissioners representing the United States explained the above-quoted provision of section 7 to the Indians, they informed the Indians that the fund was to be encroached upon only "in case of the failure of crops or any unforeseen misfortune." For 21 years after the agreement was entered into and not until 1911 was the fund touched for such a purpose. That clearly indicated the understanding of the contracting parties. The Indians have tried in vain to have this question determined by a court, but this can only be done by reference of the matter to the Court of Claims. Failing in their efforts to secure a determination of the question by the courts, they have requested the Secretary of the Interior and the Commissioner of Indian Affairs to refer the matter to the solicitor for the Department of the Interior for an opinion by the department's own law officer. This the secretary refused to do under date of May 22, 1919, stating:

"In view of the fact that the department has heretofore, and on careful consideration, adopted its position concerning the points you raise, it is not deemed appropriate at this time to refer them as suggested. Accordingly, your request is denied."

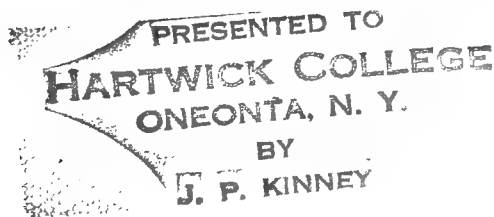
The commissioner, in a letter dated November 5, 1919, declined to refer the question to the solicitor in these words:

"In answer to that part of your letter of the 3d ultimo, in which you request that this office ask the solicitor for an opinion as to the legality of the annual appropriations by Congress of Chippewa funds for administrative purposes, you are advised that I have carefully considered this question and am of the opinion that the action with reference to the use of these funds is legal, and, therefore, see no occasion for submitting the matter to the solicitor as you request."

The Chippewa Indians, through their general council, protest against this or any other appropriation for the maintenance of the Indian Bureau service in Minnesota out of their trust funds, and insist that whenever an accounting is had through a court, the United States will be required to repay, principal and interest, every dollar appropriated out of their trust funds for this purpose.

JOHN ARTEN,

Legislative Committeeman, Chippewa General Council.





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